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TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Appendix 1]

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

Pursuant to authority contained in paragraph (a) of § 418.151 of the above-identified regulations, as amended (14 F. R. 1455, 4548, 5303, 6675, 7641, 7701; 15 F. R. 2483, 6740; 16 F. R. 4298, 9302), the following counties have been designated for insurance for the 1952 crop year. The type of coverage applicable in each county is shown opposite the name of the county.

State and county	Type of coverage
California:	
Kern	Commodity.
Los Angeles	Commodity.
San Luis Obispo	Commodity.
Sutter	Commodity.
Tulare	Commodity.
Yolo	Commodity.
Colorado:	
Adams	Monetary.
Baca	Commodity.
Boulder	Monetary.
Cheyenne	Monetary.
Elbert	Monetary.
Kiowa	Monetary.
Kit Carson	Monetary.
Larimer	Monetary.
Lincoln	Monetary.
Logan	Monetary.
Phillips	Monetary.
Prowers	Monetary.
Sedgwick	Monetary.
Washington	Monetary.
Idaho:	
Benewah	Commodity.
Camas	Commodity.
Idaho	Commodity.
Kootenai	Commodity.
Latah	Monetary.
Lewis	Commodity.
Nez Perce	Commodity.
Teton	Commodity.
Illinois:	
Adams	Commodity.
Bond	Commodity.
Christian	Commodity.
Emingham	Commodity.
Greene	Commodity.
Jefferson	Commodity.
Jersey	Commodity.
Macoupin	Monetary.

State and county	Type of coverage
Illinois—Continued	
Madison	Commodity.
Marion	Commodity.
Mason	Commodity.
Monroe	Commodity.
Montgomery	Commodity.
Pike	Commodity.
St. Clair	Commodity.
Sangamon	Commodity.
Scott	Commodity.
Shelby	Commodity.
Vermilion	Commodity.
Washington	Commodity.
Indiana:	
Allen	Commodity.
Clinton	Commodity.
Dearborn	Commodity.
Decatur	Commodity.
De Kalb	Commodity.
Johnson	Commodity.
Kosciusko	Commodity.
Madison	Commodity.
Montgomery	Commodity.
Noble	Commodity.
Parke	Commodity.
Randolph	Commodity.
Ripley	Commodity.
Rush	Commodity.
Shelby	Commodity.
Sullivan	Monetary.
Whitley	Commodity.
Kansas:	
Atchison	Commodity.
Barber	Monetary.
Barton	Monetary.
Cheyenne	Monetary.
Clark	Monetary.
Clay	Commodity.
Cloud	Monetary.
Comanche	Monetary.
Cowley	Monetary.
Decatur	Monetary.
Dickinson	Commodity.
Edwards	Monetary.
Ellis	Monetary.
Ellsworth	Monetary.
Finney	Monetary.
Ford	Monetary.
Gove	Monetary.
Graham	Monetary.
Grant	Monetary.
Gray	Monetary.
Greeley	Monetary.
Hamilton	Monetary.
Harper	Monetary.
Harvey	Commodity.
Haskell	Monetary.
Hodgeman	Monetary.
Kearny	Monetary.
Kingman	Commodity.
Kiowa	Monetary.
Lane	Monetary.

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State and county	Type of coverage
Kansas—Continued	
Lincoln	Monetary.
Logan	Monetary.
McPherson	Commodity.
Marion	Commodity.
Marshall	Commodity.

State and county	Type of coverage
Kansas—Continued	
Meade	Monetary.
Mitchell	Monetary.
Morris	Commodity.
Nemaha	Commodity.
Ness	Monetary.
Norton	Monetary.
Osborne	Monetary.
Ottawa	Monetary.
Pawnee	Monetary.
Phillips	Monetary.
Pratt	Monetary.
Rawlins	Monetary.
Reno	Commodity.
Republic	Monetary.
Rice	Monetary.
Rooks	Monetary.
Rush	Monetary.
Russell	Commodity.
Scott	Monetary.
Seward	Monetary.
Sheridan	Monetary.
Sherman	Monetary.
Smith	Monetary.
Stafford	Monetary.
Stanton	Monetary.
Stevens	Monetary.
Sumner	Monetary.
Thomas	Monetary.
Trego	Monetary.
Wallace	Monetary.
Washington	Commodity.
Wichita	Monetary.
Maryland:	
Carroll	Commodity.
Kent	Monetary.
Michigan:	
Calhoun	Monetary.
Clinton	Monetary.
Eaton	Commodity.
Hillsdale	Commodity.
Huron	Monetary.
Ingham	Monetary.
Ionia	Commodity.
Kalamazoo	Monetary.
Monroe	Commodity.
Saginaw	Monetary.
Shlawassee	Monetary.
Minnesota:	
Becker	Commodity.
Big Stone	Commodity.
Clay	Commodity.
Kittson	Commodity.
Mahnomen	Commodity.
Marshall	Commodity.
Norman	Commodity.
Ottertail	Commodity.
Polk	Commodity.
Traverse	Commodity.
Wilkin	Commodity.
Yellow Medicine	Commodity.
Missouri:	
Bates	Commodity.
Buchanan	Commodity.
Cass	Commodity.
Chariton	Monetary.
Cooper	Commodity.
Franklin	Commodity.
Henry	Commodity.
Jasper	Commodity.
Lafayette	Monetary.
Lawrence	Commodity.
Marion	Commodity.
Perry	Commodity.
Pettis	Commodity.
Pike	Monetary.
Ray	Commodity.
St. Charles	Commodity.
Saline	Commodity.
Vernon	Monetary.
Montana:	
Blaine	Commodity.
Cascade	Commodity.
Chouteau	Commodity.
Daniels	Commodity.
Dawson	Commodity.
Fergus	Commodity.
Hill	Commodity.
Judith Basin	Commodity.
Liberty	Commodity.

State and county	Type of coverage
Montana—Continued	
McCone	Commodity.
Petroleum	Commodity.
Phillips	Commodity.
Pondera	Commodity.
Richland	Commodity.
Roosevelt	Commodity.
Sheridan	Commodity.
Teton	Commodity.
Valley	Commodity.
Nebraska:	
Banner	Monetary.
Box Butte	Monetary.
Buffalo	Commodity.
Butler	Commodity.
Chase	Monetary.
Cheyenne	Commodity.
Dawes	Monetary.
Deuel	Commodity.
Fillmore	Commodity.
Furnas	Monetary.
Gage	Commodity.
Garden	Commodity.
Gosper	Commodity.
Hamilton	Monetary.
Hitchcock	Monetary.
Jefferson	Commodity.
Keith	Monetary.
Kimball	Commodity.
Lancaster	Commodity.
Nuckolls	Commodity.
Perkins	Commodity.
Red Willow	Monetary.
Richardson	Commodity.
Saline	Commodity.
Saunders	Commodity.
Seward	Commodity.
York	Commodity.
New Mexico:	
Curry	Commodity.
Quay	Commodity.
New York:	
Onondaga	Monetary.
Ontario	Commodity.
Seneca	Commodity.
North Dakota:	
Benson	Commodity.
Billings	Commodity.
Bottineau	Commodity.
Bowman	Commodity.
Burke	Commodity.
Burleigh	Commodity.
Cass	Commodity.
Cavaller	Commodity.
Divide	Commodity.
Dunn	Commodity.
Eddy	Commodity.
Foster	Commodity.
Golden Valley	Commodity.
Grand Forks	Monetary.
Grant	Commodity.
Griggs	Commodity.
Hettinger	Commodity.
Kidder	Commodity.
La Moure	Commodity.
Logan	Commodity.
McHenry	Commodity.
McIntosh	Commodity.
McKenzie	Commodity.
McLean	Commodity.
Mercer	Commodity.
Morton	Commodity.
Mountrail	Commodity.
Nelson	Commodity.
Oliver	Commodity.
Pembina	Commodity.
Ramsey	Commodity.
Renville	Commodity.
Richland	Commodity.
Rolette	Commodity.
Sheridan	Commodity.
Sioux	Commodity.
Slope	Commodity.
Stark	Commodity.
Steele	Commodity.
Stutsman	Commodity.
Towner	Commodity.
Trall	Commodity.
Walsh	Commodity.

RULES AND REGULATIONS

State and county	Type of coverage
North Dakota—Continued	
Ward	Commodity.
Wells	Commodity.
Williams	Commodity.
Ohio:	
Auglaize	Commodity.
Clinton	Commodity.
Erie	Commodity.
Franklin	Commodity.
Greene	Commodity.
Hardin	Commodity.
Henry	Commodity.
Highland	Commodity.
Knox	Commodity.
Marion	Commodity.
Mercer	Commodity.
Montgomery	Commodity.
Pickaway	Commodity.
Preble	Commodity.
Putnam	Commodity.
Sandusky	Commodity.
Seneca	Commodity.
Stark	Commodity.
Tuscarawas	Commodity.
Williams	Commodity.
Oklahoma:	
Alfalfa	Commodity.
Beckham	Commodity.
Blaine	Monetary.
Comanche	Commodity.
Cotton	Monetary.
Custer	Commodity.
Dewey	Monetary.
Ellis	Commodity.
Garfield	Monetary.
Grady	Monetary.
Grant	Monetary.
Greer	Commodity.
Harmin	Commodity.
Harper	Commodity.
Kay	Monetary.
Kingfisher	Commodity.
Kiowa	Commodity.
Major	Monetary.
Noble	Monetary.
Texas	Commodity.
Tillman	Monetary.
Washita	Monetary.
Woods	Monetary.
Oregon:	
Baker	Commodity.
Gilliam	Commodity.
Jefferson	Commodity.
Morrow	Commodity.
Sherman	Commodity.
Umatilla	Commodity.
Union	Commodity.
Wallowa	Commodity.
Wasco	Commodity.
Pennsylvania:	
Berks	Commodity.
Bucks	Commodity.
Chester	Commodity.
Lancaster	Commodity.
Lycoming	Commodity.
South Dakota:	
Beadle	Commodity.
Brown	Commodity.
Campbell	Commodity.
Clark	Commodity.
Codington	Commodity.
Corson	Commodity.
Day	Commodity.
Dewey	Commodity.
Edmunds	Commodity.
Faulk	Commodity.
Grant	Commodity.
Hand	Commodity.
Jones	Commodity.
Lyman	Commodity.
McPherson	Commodity.
Marshall	Commodity.
Meade	Commodity.
Mellette	Commodity.
Perkins	Commodity.
Potter	Commodity.
Roberts	Commodity.
Spink	Commodity.
Sully	Commodity.
Tripp	Commodity.
Walworth	Commodity.

State and county	Type of coverage
Texas:	
Castro	Monetary.
Childress	Monetary.
Collin	Commodity.
Cooke	Commodity.
Deaf Smith	Monetary.
Denton	Commodity.
Floyd	Monetary.
Foard	Commodity.
Gray	Commodity.
Grayson	Commodity.
Hale	Monetary.
Hansford	Commodity.
Jones	Monetary.
Knox	Monetary.
Lipscomb	Commodity.
Ochiltree	Commodity.
Potter	Commodity.
Stonewall	Commodity.
Swisher	Monetary.
Taylor	Commodity.
Utah:	
Box Elder	Commodity.
Utah	Commodity.
Washington:	
Adams	Commodity.
Asotin	Commodity.
Benton	Monetary.
Columbia	Commodity.
Douglas	Commodity.
Franklin	Commodity.
Grant	Commodity.
Klickitat	Commodity.
Lincoln	Commodity.
Spokane	Commodity.
Walla Walla	Commodity.
Whitman	Commodity.
Wyoming:	
Goshen	Commodity.
Laramie	Monetary.
Platte	Monetary.
(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. and Sup., 1506, 1516. Interprets or applies secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. and Sup., 1507-1509)	
[SEAL]	JOHN W. BRAINARD, Manager, Federal Crop Insurance Corporation.
[P. R. Doc. 52-3147; Filed, Mar. 18, 1952; 8:52 a. m.]	

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter E—Production Credit System
[FCA Order 540]

PART 50—RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS

LOANS TO VETERANS FOR ANY AGRICULTURAL PURPOSE ELIGIBLE FOR SUCH INSURANCE (EXCEPT REAL-ESTATE LOANS)

Section 50.22 of the rules and regulations for Production Credit Associations is hereby amended in the following respects:

1. The said section is hereby redesignated as § 50.22 (a).

2. There is added a new paragraph, to be designated § 50.22 (b), as follows:

(b) Under authorization of its board of directors, an association may make loans to veterans which are insured by the Administrator of Veterans Affairs under the provisions of Title III of the Servicemen's Readjustment Act of 1944, as amended, for any agricultural purpose eligible for such insurance (except real-estate loans). Notwithstanding the regulations governing other loans made by the association, such insured loans to veterans shall bear interest not

to exceed 5.70 percent per annum, shall have a maturity in keeping with the repayment ability of the borrower but not for more than 5 years, and shall be made in accordance with the other requirements of said act and the regulations promulgated thereunder by the Administrator of Veterans Affairs. [22 (b)]

(Secs. 20, 23, 60, 48 Stat. 259, 261, 266; 12 U. S. C. 1131d, 1131g, 1138)

[SEAL]

I. W. DUGGAN,
Governor.

[P. R. Doc. 52-3146; Filed, Mar. 18, 1952; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 16]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

PERFORMANCE OF CONSTRUCTION WORK; GRANT PAYMENTS

The following amendment is designed primarily to implement Part 5 of the regulations of the Secretary of Labor—"Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction" (29 CFR Part 5)—issued pursuant to Reorganization Plan No. 14 of 1950.

Acting pursuant to the authority vested in me by the Federal Airport Act (60 Stat. 170; Pub. Law 377, 79th Cong.), I hereby amend Part 550 of the regulations of the Administrator of Civil Aeronautics as follows:

1. Section 550.7 is amended to read as follows:

§ 550.7 Performance of construction work—(a) General. All construction work under any project shall be accomplished by contract unless the District Airport Engineer determines that the project, or any portion thereof, can be more effectively and economically accomplished on a force account basis, by the sponsor or by another public agency acting for or as agent of the sponsor. In no instance will such use of force account be approved for work under any one project in the continental United States if the estimated United States share of the cost of all work accomplished or to be accomplished under such project by force account (including related engineering costs but excluding costs incurred in the preparation of plans and specifications) exceeds \$15,000.

(b) Letting of contracts. A sponsor shall comply with the following requirements in awarding construction contracts with respect to the performance of any work under a project.

(1) Unless some other method is approved by the Regional Administrator for use on a particular project, all such contracts in excess of \$2,000 shall be awarded on the basis of public advertisement and open competitive bidding in the same manner as provided by local law for the letting of public contracts. Any agreement or understanding, oral or written, between a sponsor and another public agency which is not a

co-sponsor of the project, pursuant to which such other public agency undertakes construction work for or as agent of the sponsor, shall not be considered a "construction contract" for purposes of this section.

(2) (i) There shall be no advertisement for bids on, or negotiation of, such a contract until the Regional Administrator has approved the plans and specifications and, unless the estimated contract price or construction cost is \$2,000 or less, there shall be no advertisement or negotiation until the Regional Administrator has furnished the sponsor a copy of a decision of the Secretary of Labor establishing the minimum wage rates for skilled and unskilled labor under the proposed contract. In each case, a copy of the wage determination decision shall be set forth in the invitation for bids or proposed contract or incorporated therein by reference to a copy set forth in the advertised or negotiated specifications.

(ii) At least 45 calendar days prior to any such advertisement or negotiation, at a time specified by the District Airport Engineer, the sponsor shall submit to the District Airport Engineer a list of all classes of labor to be employed under the proposed contract, together with a suggested schedule of the minimum wage rates for each such class. If, after submitting such a list, the sponsor at any time has reason to believe that any additional classes of labor may be employed under the contract, the sponsor shall immediately advise the District Airport Engineer of such classes and take such steps as may be necessary to prevent the contractor, or any of his subcontractors, from employing any labor of such classes until he has been furnished a copy of a supplementary wage determination of the Secretary of Labor for such classes. The Regional Administrator will obtain and furnish the sponsor a copy of such supplementary wage determination as soon as possible following receipt by the District Airport Engineer of advice that such a determination is needed.

(iii) All minimum wage rates established by decision of the Secretary of Labor shall be subject to change or modification by decision of the Secretary of Labor issued prior to the award of the proposed contract for which they were established, except that if the proposed contract is awarded on the basis of public advertisement and open competitive bidding within 30 calendar days after the opening of bids or 90 calendar days from the date of the original wage determination decision, whichever is the earlier, no such changes or modifications shall be effective unless the decision of the Secretary of Labor in question is communicated to the Administrator more than five calendar days before the opening of bids. All changes or modifications which meet the requirements of the preceding sentence will be communicated to the sponsor by the Regional Administrator as soon as possible after their communication to the Administrator and a copy of the decision effecting such changes or modifications shall be incorporated in the invitation for bids or proposed contract by issuance of an ad-

dendum to the specifications or otherwise, or if bids have been opened or the contract has been awarded, the sponsor shall take such other action as may be necessary to incorporate a copy of the decision in the contract.

(3) No such contract shall be awarded except with the written concurrence of the District Airport Engineer as to the reasonableness of the contract prices and conformity of the contract to the sponsor's Grant Agreement with the United States. The sponsor shall submit to the District Airport Engineer after the opening of bids a tabulation thereof and its recommendations for award. Ordinarily, such concurrence will not be given for acceptance of other than the lowest bid received. However, if the sponsor considers the lowest bidder unqualified, incapable, or not responsible, the next lowest bidder may be recommended for approval, giving full justification for the proposed action. A bidder shall be considered unqualified if such bidder is either a contractor whose name appears on the currently effective list of ineligible contractors published by the Comptroller General of the United States pursuant to § 5.6 (b) of the regulations of the Secretary of Labor (29 CFR Part 5), or a firm, corporation, partnership, or association in which such a contractor has a substantial interest. The District Airport Engineer will not give concurrence in the award of a contract to any such bidder.

(c) *Compliance with local laws.* All contracts shall meet the requirements of local laws.

(d) *Contract requirements.* All construction contracts entered into by a sponsor with respect to any project shall contain, in addition to such other provisions as may be necessary to insure accomplishment of the work involved in accordance with the grant agreement for such project, the following provisions (or revisions thereof approved in advance by the Administrator), except that contracts for which a minimum wage determination of the Secretary of Labor is not required by paragraphs (b) (2) of this section need not contain the provisions set forth in subparagraphs (5), (6), (7), (8), (9), (10), (12), and (13) of this paragraph:

(1) "The work in this contract is included in Federal-aid Airport Project No. _____ which is being undertaken and accomplished by (insert name of sponsor) under and in accordance with the terms and conditions of a Grant Agreement entered into between (insert name of sponsor) and the United States, acting through the Administrator of Civil Aeronautics, under the Federal Airport Act (60 Stat. 170; 49 U. S. C. 1101) and Part 550 of the regulations of the Administrator of Civil Aeronautics (14 CFR 550), pursuant to which Agreement the said Administrator has offered and agreed to pay a certain percentage of the costs of the said Project that are determined by him to be allowable project costs under the said Federal Airport Act. However, any reference in this contract to the said Administrator or any rights granted to the said Administrator or the United States by this contract shall in no sense make, or be con-

strued as making, the said Administrator or the United States a party to this contract."

(2) "The contractor shall obtain the prior written consent of the (insert name of sponsor) to any proposed assignment of any interest in or part of this contract."

(3) "No convict labor shall be employed under this contract."

(4) "In the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to qualified individuals who have served in the military service of the United States (as defined in section 101 (1) of the Soldiers' and Sailors' Civil Relief Act of 1940) and have been honorably discharged from such service, except that such preference shall be given only where such labor is available locally and is qualified to perform the work to which the employment relates."

(5) "All mechanics and laborers employed or working upon the site of the work shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the Anti-Kickback Regulations of the Secretary of Labor (29 CFR Part 3)), the full amounts due at time of payment computed at wage rates not less than these contained in the wage determination decision(s) of the Secretary of Labor which is (are) attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the wage determination decision(s) shall be posted by the contractor at the site of the work in a prominent place where it (they) can be easily seen by the workers."

(6) "Pursuant to the terms of the Grant Agreement between the United States and (insert name of sponsor), relating to Federal-aid Airport Project No. _____, and Part 550 of the regulations of the Administrator of Civil Aeronautics (14 CFR 550), the Administrator of Civil Aeronautics may withhold or cause to be withheld from the (insert name of sponsor) so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by this contract. In the event of failure to pay any laborer or mechanic employed or working on the site of the work all or part of the wages required by this contract, the Administrator of Civil Aeronautics may, after written notice to the (insert name of sponsor), take such action as may be necessary to cause the suspension of any further payment or advance of funds until such violations have ceased."

(7) "Whether or not payments or advances to the (insert name of sponsor) are withheld or suspended by the Administrator of Civil Aeronautics, the (insert name of sponsor): (a) may withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed

by the contractor or any subcontractor on the work the full amount of wages required by this contract; and (b) in the event of failure of the contractor or any subcontractor to pay any laborer or mechanic employed or working on the site of the work all or part of the wages required by this contract, may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment or advance of funds until such violations have ceased."

(8) "Payroll records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid."

"The contractor will submit weekly a certified copy of all payrolls to the (insert name of sponsor). The certification will affirm that the payrolls are correct and complete, that the wage rates contained therein are not less than the minimum rates determined by the Secretary of Labor for the employees in question, as prescribed in this contract, and that the classification set forth for each laborer or mechanic conforms to the work he performed. The contractor will make his employment records available for inspection by authorized representatives of the (insert name of sponsor), the Administrator of Civil Aeronautics, and the Department of Labor and will permit such representatives to interview employees during working hours on the job."

(9) "Apprentices will be permitted to work only under a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, U. S. Department of Labor; or if no such recognized Council exists in the State, under a program registered with the Bureau of Apprenticeship, U. S. Department of Labor."

(10) "The contractor will comply with the regulations of the Secretary of Labor made pursuant to the Anti-Kickback Act of June 13, 1934, 48 Stat. 948; 62 Stat. 108; 18 U. S. C. 874, 40 U. S. C. 276c, and any amendments or modifications thereof, will cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and will be responsible for the submission of affidavits required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances and exemptions from the requirements thereof."

(11) "The Administrator of Civil Aeronautics or his duly authorized representatives shall be permitted to inspect and review all work and all materials used in the performance of this contract."

(12) "The contractor will insert in each of his subcontracts the provisions set forth in paragraphs ---, ---, ---, ---, ---, ---, ---, ---, ---, ---, and ---, hereof (insert designations of eleven paragraphs of

contract corresponding to subparagraphs (1), (3), (4), (5), (6), (7), (8), (9), (10), (11), and (13) hereof)."

(13) "A breach of paragraphs --- (insert designation of paragraph of contract corresponding to subparagraph (5), hereof) through --- (insert designation of paragraph of contract corresponding to subparagraph (12) hereof) may be grounds for termination of this contract."

(e) *Notices to proceed.* No sponsor shall permit any contractor or subcontractor to begin work under an approved project until the sponsor has issued to the contractor a written notice to proceed with such work. No such notice to proceed shall be issued until the sponsor has furnished the District Airport Engineer three conformed copies of the construction contract and has satisfied the Regional Administrator that the required property interests in all lands on which construction work will be performed under the project have been acquired by such sponsor or some other sponsor of the project.

(f) *Change orders.* No sponsor shall issue any change order under any of its construction contracts unless such change order has been approved in writing by the District Airport Engineer. Such change orders shall be on a form satisfactory to the District Airport Engineer and three copies thereof shall be submitted to the District Airport Engineer at the time approval is requested.

(g) *Payments to the contractor.* A sponsor may make partial payments to a contractor on the basis of an estimate of work performed and materials delivered to the site as may be provided for in the contract.

(h) *Force account work.* Before any force account construction work is undertaken, either by a sponsor or by another public agency acting for or as agent of a sponsor, the sponsor shall obtain the written approval of the District Airport Engineer. In requesting such approval the sponsor shall submit to the District Airport Engineer the following:

(1) Adequate plans and specifications showing the nature and extent of the construction work to be accomplished by such force account;

(2) A schedule of the proposed construction and of the construction equipment that will be available for the project;

(3) Assurance that adequate labor, material and equipment, together with adequate supervisory, engineering, and inspection personnel, will be provided;

(4) A detailed estimate of cost of such force account work, broken down for each class of costs involved, such as labor, materials, rental of equipment, and other pertinent items of cost.

Whenever an application for grant payment involving force account work is made by a sponsor pursuant to § 550.9, such application shall be accompanied by a periodic cost estimate for such work on Form ACA-1629 (§ 550.11 (e)).

(i) *Owner contracts.* Contracts with the owners of airport hazards, buildings, pipe lines, power lines, or other structures or facilities, for the installation, extension, removal or relocation thereof, are exempt from the requirements of

this section except that a sponsor shall obtain the approval of the District Airport Engineer before entering into any such contract.

(j) *Labor requirements.* Any sponsor required by this section to include in a construction contract the labor provisions required by paragraph (d) of this section shall see to it that such provisions are complied with by the contractor and shall cooperate as fully as possible with the Administrator and his representatives in effecting such enforcement. To this end, the sponsor shall, among other things:

(1) Maintain and preserve for a period of three years from the date of completion of the contract, all affidavits and copies of payrolls furnished by the contractor, and make such affidavits and copies available to the Regional Administrator whenever he may so request during such three-year period;

(2) Cause all such payrolls and affidavits to be examined as soon as possible upon their receipt, to the extent necessary to determine whether the contractor is complying with the labor provisions of the contract required by paragraph (d) of this section, and particularly whether the employees of the contractor have been classified correctly, all such examinations to be made by the sponsor's resident engineer or by other employees or agents of the sponsor who are qualified to make the necessary determinations;

(3) Cause such investigations to be made during the performance of work under the contract as may be necessary to determine whether the contractor is complying with the labor provisions of the contract required by paragraph (d) of this section, and particularly whether the employees of the contractor have been classified correctly, such investigations to include interviews with employees and examinations of payroll data at the site of the work and to be made by the sponsor's resident engineer or by other employees or agents of the sponsor who are qualified to make the necessary determinations; in making such investigations, complaints of alleged violations shall be given priority and statements, written or oral, made by an employee shall be treated as confidential and shall not be disclosed to his employer without his consent; and

(4) Keep the District Airport Engineer fully advised of all examinations and investigations made pursuant to this paragraph, of all determinations made on the basis of such examinations and investigations, and of all efforts made to effect or enforce compliance with the labor provisions of the contract.

2. Section 550.9 (e) is amended to read as follows:

§ 550.9 Grant payments. * * *

(e) *Application for grant payments.* All applications for grant payments shall be made on Form ACA-1625.1 (§ 550.11 (f)), accompanied by (1) a summary of project costs on Form ACA-1630 (§ 550.11 (g)), (2) a periodic cost estimate on Form ACA-1629 (§ 550.11 (e)) for each contract or force account representing costs for which payment is requested, and (3) such supporting information,

including appraisals of property interests, as may be required by the Regional Administrator to permit the determination of the allowability of any costs for which payment has been requested. In the case of each such application involving work accomplished by contract, the required contractor's certification contained in the periodic cost estimate must contain the statement that "there has been full compliance with all labor provisions included in the contract identified above" (see § 550.11 (e) (1)), except that, if the contractor is unable to make such a statement because of the existence of an honest dispute as to the nature of his obligations under the labor provisions of the contract, the Regional Administrator will accept as satisfactory a periodic cost estimate containing a certification by the contractor that "there has been full compliance with all labor provisions included in the contract identified above, except insofar as an honest dispute exists with respect to such provisions."

3. Section 550.9 is amended by adding a new subsection at the end thereof, numbered (g), reading as follows:

(g) *Suspension of grant payments for violations of labor provisions.* In the event of failure or refusal of a contractor or subcontractor to comply with the labor provisions of the contractor's contract with the sponsor, the Regional Administrator will suspend further grant payments to the sponsor until such time as the violations are discontinued or until the Administrator has determined the allowability of the project costs to which such violations relate or, to the extent that the violations consist of under-payments to labor, until the sponsor has furnished assurance, satisfactory to the Administrator, that restitution has been or will be made to the affected employees.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 1-15, 60 Stat. 170-178, as amended; 48 U. S. C. and Sup., 1101-1114)

[SEAL]

F. B. LEE,
Acting Administrator of
Civil Aeronautics.

[F. R. Doc. 52-3126; Filed, Mar. 18, 1952;
8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

PART 73—GROCERY INDUSTRY

CROSS REFERENCE: For supersedure of the trade practice rules for the grocery industry contained in Part 73, see Part 209 of this subchapter, *infra*.

[File No. 21-399]

PART 209—GROCERY INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference pro-

cedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules of Group I, as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of March 18, 1952.

Statement by the Commission. Trade practice rules for the Grocery Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. The rules constitute a revision and extension of the trade practice rules for this industry as promulgated by the Commission on March 14, 1932, and supersede such previously promulgated rules.

The rules are directed to the prevention and elimination of unfair trade practices to the end that the industry, the trade, and the public may be protected from the harmful effects of such competitive methods and that the conduct of business throughout the industry may be effectively maintained on a high plane of free and fair competition.

Members of the industry are the persons, partnerships, corporations and organizations engaged in the business of marketing one or more products to or in the grocery trade and include manufacturers, brokers, wholesalers, retailers, and other marketers of such products. The total annual volume of business of the industry is estimated to be in excess of twenty-six billion dollars.

Proceedings to revise the 1932 rules for the Grocery Industry were instituted upon application from members of the industry. A general industry conference was held in Washington, D. C., at which suggestions and proposals for rules were submitted for the consideration of the Commission. Thereafter a draft of proposed rules in appropriate form was made available and public notice was given whereby all interested or affected parties were afforded opportunity to present their views, including such pertinent information, suggestions, or objections respecting the rules as they desired to offer. Pursuant to such notice a public hearing was held in Washington, D. C., on November 1, 1951, and all matters there presented, or otherwise received in the proceeding, were duly considered by the Commission.

Following such hearing, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as herein-after set forth.

Such rules become operative thirty (30) days after the date of promulgation.

The rules are set forth under four separate sections but all are of the Group I classification and embrace practices considered to be prohibited under laws administered by the Federal Trade Commission. Subject to jurisdictional requirements, appropriate proceedings in the public interest will be taken by the Commission to prevent the employment of any such practices by any member of the industry.

Sec.
209.0 Definitions.

GROUP I

SUBGROUP A

- Sec. 209.1 Statutory basis of §§ 209.3 to 209.8.
- 209.2 Definition of "commerce."
- 209.3 Prohibited discrimination in price.
- 209.4 Prohibited brokerage and commissions, etc.
- 209.5 Prohibited discrimination in advertising or promotional allowances.
- 209.6 Prohibited discrimination in services or facilities.
- 209.7 Prohibited inducing or receiving discrimination in price.
- 209.8 Exemptions from §§ 209.3 to 209.7.

SUBGROUP B

- 209.9 Statutory basis of §§ 209.11 to 209.25.
- 209.10 Definition of "purchasing public."
- 209.11 Prohibited wrongful selling below cost.
- 209.12 False use of the term "bargain" prohibited.
- 209.13 Prohibited use of fictitious price.
- 209.14 Prohibited use of any false or misleading term of sale.
- 209.15 Prohibited use of any false or misleading invoice, etc.
- 209.16 Prohibited misrepresentation of available product supply.
- 209.17 Prohibited use of any misleading or deceptive selling method.
- 209.18 Prohibited misrepresentation in general.
- 209.19 Prohibited defamation of competitor.
- 209.20 Prohibited enticing of competitor's employee.
- 209.21 Prohibited substitution of competitor's product.
- 209.22 Prohibited interference with competitor's contract.
- 209.23 Prohibited coercion of purchase.
- 209.24 Prohibited use of lottery scheme.
- 209.25 Prohibited forms of trade restraints (unlawful price fixing, etc.)

SUBGROUP C

- 209.26 Prohibited use of unfair exclusive deals.

SUBGROUP D

- 209.27 Prohibited aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 209.0 to 209.27, issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 209.0 *Definitions.* The term "member of the industry," as used in this part, means any person engaged in the business of marketing one or more products to or in the grocery trade. The term "person," as thus used, means any individual, partnership, corporation, association, or other organization.

GROUP I

SUBGROUP A

§ 209.1 *Statutory basis of §§ 209.3 to 209.8.* Sections 209.3 to 209.8 contain rules which repeat the statutory language in section 2 (a) and (c) to (f) of the Clayton Act, as amended by the Robinson-Patman Act and otherwise. This law is qualified by the following meet-competition provisions in section 2 (b) of the Clayton Act:

Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima-facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively

shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima-facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor.

§ 209.2 Definition of "commerce." The term "commerce," as used in §§ 209.3 to 209.8, is to be construed as it is defined in section 1 of the Clayton Act. This definition is as follows:

"Commerce" * * * means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States: *Provided,* That nothing in this Act contained shall apply to the Philippine Islands.

§ 209.3 Prohibited discrimination in price. It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, either directly or indirectly, to discriminate in price between different purchasers of commodities of like grade and quality, whether either or any of the purchases involved in such discrimination are in commerce, where such commodities are sold for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, and where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided,* That nothing contained in this section shall prevent—

(a) Differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities¹ in which such commodities are to such purchasers sold or delivered; or

(b) Price changes from time to time where in response to changing conditions affecting the market for or the market-

¹ This exemption of quantity price differentials is further qualified by the following additional provisions in amended section 2 (a) of the Clayton Act:

"* * * the Federal Trade Commission may, after due investigation and hearing to all interested parties, fix and establish quantity limits, and revise the same as it finds necessary, as to particular commodities or classes of commodities, where it finds that available purchasers in greater quantities are so few as to render differentials on account thereof unjustly discriminatory or promotive of monopoly in any line of commerce; and the foregoing shall then not be construed to permit differentials based on differences in quantities greater than those so fixed and established * * *".

ability of the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned; or

(c) Persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade. [Rule 1]

§ 209.4 Prohibited brokerage and commissions, etc. It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid. [Rule 2]

§ 209.5 Prohibited discrimination in advertising or promotional allowances. It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or contract for the payment of anything of value to or for the benefit of a customer of such person as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such person, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities. [Rule 3]

§ 209.6 Prohibited discrimination in services or facilities. It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms. [Rule 4]

§ 209.7 Prohibited inducing or receiving discrimination in price. It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by §§ 209.3 to 209.8. [Rule 5]

§ 209.8 Exemptions from §§ 209.3 to 209.7. Nothing in §§ 209.3 to 209.7—

(a) Shall prevent a cooperative association from returning to its members, producers, or consumers the whole, or any part of, the net earnings or surplus resulting from its trading operations, in proportion to their purchase of sales from, to, or through the association;² or

(b) Shall apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.³

SUBGROUP B

§ 209.9 Statutory basis of §§ 209.11 to 209.25. Sections 209.11 to 209.25 contain rules based on sections 5 and 12 of the Federal Trade Commission Act. Said section 5 prohibits the use of all unfair methods of competition and of all unfair or deceptive acts or practices in commerce, and said section 12-a (1) prohibits the dissemination of "any false advertisement by United States mails, or in commerce by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly the purchase of food, drugs, devices, or cosmetics." As used in said sections 5 and 12, the term "commerce" is to be construed as it is defined in section 4 of the Federal Trade Commission Act. This definition reads as follows:

"Commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

§ 209.10 Definition of "purchasing public." The term "purchasing public," as used in §§ 209.11 to 209.25, means actual and prospective trade or consumer purchasers, as the case may be.

§ 209.11 Prohibited wrongful selling below cost. (a) It is an unfair trade practice for any member of the industry to advertise, offer, or sell a product at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect may be, to injure, suppress, or stifle competition or tend to create a monopoly in the production or sale of such products. As used in this section, the term "cost" means the total cost to the seller, including the costs of acquisition, processing, preparation for marketing, sale, and delivery.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued as a monopolistic practice with the wrongful intent referred to and where the effect may be unreasonably to restrain trade, tend to create a monopoly, or substantially lessen competition. [Rule 6]

§ 209.12 False use of the term "bargain" prohibited. It is an unfair trade practice for any member of the industry to falsely represent in the advertisement,

² Paragraph (a) repeats the statutory language in section 4 of the Robinson-Patman Act.

³ Paragraph (b) repeats the statutory language in an amendment to the Robinson-Patman Act.

offer, or sale of a product, either expressly or impliedly, that the price at which such product is sold is a bargain price or an otherwise reduced price. [Rule 7]

§ 209.13 *Prohibited use of fictitious price.* It is an unfair trade practice for any member of the industry to advertise, offer, or sell a product (a) at a price purported to be reduced from what is in fact a fictitious price, or (b) at a purported reduction in price which is in fact a fictitious one. [Rule 8]

§ 209.14 *Prohibited use of any false or misleading term of sale.* It is an unfair trade practice for any member of the industry to quote or disseminate any price or any other term (including condition) of sale which is false, or which otherwise has the capacity and tendency or effect of misleading or deceiving the purchasing public. [Rule 9]

§ 209.15 *Prohibited use of any false or misleading invoice, etc.* It is an unfair trade practice for any member of the industry, in connection with the sale or purchase of a product, (a) to make an invoice a false record of a sale by adding or omitting any statement with respect to it, or (b) to falsify a purchase record by any manipulation of it, or (c) to use an invoice or purchase record which otherwise has the capacity and tendency or effect of misleading or deceiving the purchasing public. [Rule 10]

§ 209.16 *Prohibited misrepresentation of available product supply.* In connection with the advertisement, sale, offering for sale, or distribution of products, it is an unfair trade practice for any member of the industry, either expressly or impliedly, to misrepresent the available supply of a product. [Rule 11]

§ 209.17 *Prohibited use of any misleading or deceptive selling method.* It is an unfair trade practice for any member of the industry to use any method of selling a product which has the capacity and tendency or effect of misleading or deceiving the purchasing public in any material respect. [Rule 12]

§ 209.18 *Prohibited misrepresentation in general.* It is an unfair trade practice for any member of the industry, either directly or indirectly, to make any misrepresentation in the advertisement, offer, or sale of a product (a) about its production or distribution, or (b) about its identity, nature, character, composition, grade, quality, quantity, size, use, or value, or (c) in any other material respect. [Rule 13]

§ 209.19 *Prohibited defamation of competitor.* It is an unfair trade practice for any member of the industry to defame a competitor, or to disparage his product, his business or its conduct, by any false or otherwise unfair representation. [Rule 14]

§ 209.20 *Prohibited enticing of competitor's employee.* It is an unfair trade practice for any member of the industry to entice away any employee of a competitor with the purpose and tendency or effect of unfairly injuring him: *Provided*, That nothing in this section shall be construed as prohibiting em-

ployees or agents from seeking or obtaining more favorable employment. [Rule 15]

§ 209.21 *Prohibited substitution of competitor's product.* It is an unfair trade practice to ship or deliver products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchasers as to such substitution and obtaining consent thereto at or before the time of shipment or delivery, and with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public. [Rule 16]

§ 209.22 *Prohibited interference with competitor's contract.* (a) It is an unfair trade practice for any member of the industry (1) to induce the breach of a competitor's unlawful purchase, sale, or other business contract, or (2) to interfere with or obstruct the performance of such a contract by a competitor, where either of such practices has the capacity and tendency or effect of substantially injuring or lessening present or potential competition.

(b) Nothing in this section is intended to imply that it is improper for any member of the industry to solicit the business of a customer of a competing member of the industry; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more members of the industry not to solicit business from the customers of either or any of them, or from customers of any other member of the industry. [Rule 17]

§ 209.23 *Prohibited coercion of purchase.* It is an unfair trade practice for any member of the industry to require by coercion, or by any other means, the purchase of one or more products as a condition to the purchase of one or more other products, where the effect may be substantially to lessen competition, unreasonably restrain trade, or tend to create a monopoly. [Rule 18]

§ 209.24 *Prohibited use of lottery scheme.* It is an unfair trade practice for any member of the industry to sell or promote the sale of products by means of a game of chance, gift enterprise, or other lottery scheme, or to sell or distribute any punchboards, push cards, or other lottery devices which are to be used, or may be used, in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or other lottery scheme. [Rule 19]

§ 209.25 *Prohibited forms of trade restraints (unlawful price fixing, etc.).* It is an unfair trade practice for any member of the industry, either directly or indirectly—

(a) To engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy with one or more members of the industry or with any other person or persons, unlawfully to fix, maintain, or enhance the

price of any goods, or otherwise unlawfully to restrain trade; or

(b) To use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy.

SUBGROUP C

§ 209.26 *Prohibited use of unfair exclusive deals.* It is an unfair trade practice for any member of the industry engaged in commerce,* in the course of such commerce, to make a sale or contract for sale of goods, for use, consumption or resale within any place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement or understanding that the purchaser thereof shall not deal in the goods of a competitor or competitors of the seller, where the effect of such sale or contract for sale, or such condition, agreement or understanding, may be to substantially lessen competition or tend to create a monopoly in any line of commerce. [Rule 21]

SUBGROUP D

§ 209.27 *Prohibited aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any member of the industry, either directly or indirectly, knowingly to aid, abet, coerce, or induce another to use or promote the use of any unfair trade practice forbidden by the rules in this part.

Industry Committee. A Committee on Trade Practices is hereby authorized to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper in the furtherance of fair competitive practices and in promoting the effectiveness of this part.

Issued: March 12, 1952.

Promulgated by the Federal Trade Commission March 18, 1952.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-3062; Filed, Mar. 18, 1952; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Fed-

* This section is based on section 3 of the Clayton Act.

* The term "commerce," as used in this section, is to be construed as it is defined in section 1 of the Clayton Act. This definition is quoted in § 209.2.

eral Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1950 Supp., Part 141; 16 F. R. 4182) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1950 Supp., Part 146; 16 F. R. 714, 2471; 17 F. R. 1178) are amended as indicated below.

1. Section 141.112 (b) (1) is amended to read as follows:

§ 141.112 *Streptomycin-polymyxin-bacitracin tablets*

(b) *Polymyxin used in making the tablets*—(1) *Potency*—(i) *Cylinders (cups)*. Use cylinders described under § 141.1 (a).

(ii) *Culture medium*. Using ingredients that conform to the standards prescribed, if any, by the U. S. P. or N. F., make nutrient agar for the seed and base layers.

(a) *Base layer*.

Pancreatic digest of casein.....	17.0 gm.
Papaic digest of soybean.....	3.0 gm.
Sodium chloride.....	5.0 gm.
Dipotassium phosphate.....	2.5 gm.
Dextrose.....	2.5 gm.
Agar.....	20.0 gm.
Distilled water, q. s.....	1,000.0 ml.
Final pH.....	7.3.

(b) *Seed layer*. For seed layer make the following changes in the medium described in (a) of this subdivision.

Agar.....	12.0 gm.
Tween 80 (add Tween 80 after boiling).....	10.0 gm.
Final pH.....	7.3.

In lieu of preparing the medium from the individual ingredients as specified, it may be prepared from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such medium. Minor modifications of the specified individual ingredients are permissible if the resulting medium possesses growth-promoting properties at least equal to the medium described.

(iii) *Working standard*. Weigh out a sufficient quantity of the working standard (obtained from the Food and Drug Administration) and make a convenient stock solution by diluting with glycine buffer, which is prepared as follows:

Glycine.....	3.5 gm.
Sodium chloride.....	3.0 gm.
Distilled water, q. s.....	1,000 ml.
(Adjust to pH 2.0 with concentrated HCl.)	

(iv) *Standard curve*. Prepare daily a standard curve as directed in § 141.101 (d), with the following exceptions: Using a solution of the polymyxin working standard in glycine buffer described under subdivision (iii) of this subparagraph, prepare volumetrically the following concentrations: 20, 40, 60, 80, 100, 120, 140, 160, and 180 units per milliliter in 1-percent phosphate buffer, pH 6.0. The 100 units per milliliter concentration is used as the reference point.

(v) *Preparation of test organism*. The test organism is *Brucella bronchiseptica* (American Type Culture Collection 4617) which is maintained on agar described under subdivision (ii) (a) of

this subparagraph. Inoculate a Roux bottle containing this agar, subdivision (ii) (a), from a stock slant and incubate 24 hours at 32° C.-35° C. Wash the growth into sterile distilled water and standardize the resulting organism suspension to 50-percent light transmission using a filter having a wave length of 6,500 Å. Run test plates, and use in the assay the amount of inoculum per 100 milliliters of seed agar which gives (ca) 15.0-millimeter zones of inhibition against the test organism with the 100 units per milliliter solution of polymyxin. Make a new suspension every two weeks.

(vi) *Preparation of plates*. Using the agar described in subdivision (ii) of this subparagraph, prepare the plates as described in § 141.101 (g), except allow the agar for the secondary layer to cool to 48° C.-50° C. before adding the inoculum. It is not necessary to refrigerate the plates.

(vii) *Assay*. Dissolve volumetrically into sterile 1-percent phosphate buffer, pH 6.0, the sample to be tested to a final concentration of 100 units (estimated) per milliliter, and proceed as directed in § 141.101 (h) and (i).

2. In § 146.31 *Penicillin dental cones*

the first sentence of paragraph (a) *Standards of identity, etc.*, is amended to read as follows: "Penicillin dental cones are composed of calcium penicillin or crystalline penicillin and one or more suitable and harmless diluents, binders, and lubricants, with or without a suitable local anesthetic and with or without one or more suitable sulfonamides."

3. Part 146 is amended by adding the following new section:

§ 146.72 *Antibiotics for fish diseases*. Penicillin, streptomycin, dihydrostreptomycin, aureomycin, chloramphenicol, or bacitracin intended for use solely in the treatment or prevention of disease in fish and conspicuously so labeled shall be exempt from the requirements of sections 502 (1) and 507 of the act.

4. Section 146.402 (c) (2) and (4) are amended to read as follows:

§ 146.402 *Bacitracin ointment*

(c) *Labeling*.

(2) On the outside wrapper or container, if it is packaged for ophthalmic use by humans or if it is intended for use by humans and it contains one or more sulfonamides, the statement "Caution: Federal law prohibits dispensing without prescription" and a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such ointment by practitioners licensed by law to administer such drug; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or printed matter will be sent on request; *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On a circular or other labeling within or attached to the package, unless

it is packaged for ophthalmic use in humans or is intended for human use and contains one or more sulfonamides, adequate directions and warnings for prophylactic use in humans or for the veterinary use of such ointment. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other uses of such ointment by practitioners licensed by law to administer such drug will be sent to such a practitioner upon request.

Those parts of this order which provide for a modification of the assay procedure for polymyxin to increase the accuracy of the test; for the optional use of sulfonamides other than sulfanilamide and sulfathiazole in the manufacture of penicillin dental cones; for exemption from the certification provisions of the Federal Food, Drug, and Cosmetic Act of penicillin, streptomycin, dihydrostreptomycin, aureomycin, chloramphenicol, and bacitracin intended for use solely in the treatment or prevention of disease in fish shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

That part of this order which provides for deletion of the requirement that bacitracin ointment intended for prophylactic use by man bear the prescription legend and substitution thereof of adequate directions for use (unless it is packaged for ophthalmic use or its contains one or more sulfonamides) shall become effective 180 days after publication in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since those parts which provide for a modification of the assay procedure for polymyxin to increase the accuracy of the test; for the optional use of sulfonamides other than sulfanilamide and sulfathiazole in the manufacture of penicillin dental cone; and for certain exemptions from the certification provisions of the Federal Food, Drug, and Cosmetic Act were drawn in collaboration with interested members of the affected industry, and since that part of this order which provides for the deletion of the requirement that bacitracin ointment intended for prophylactic use by man bear the prescription legend (unless it is packaged for ophthalmic use or it contains one or more sulfonamides) is based upon a review of the scientific literature by the technical divisions of the Food and Drug Administration which showed the drug to be safe and efficacious for prophylactic use in self-medication and which raised no questions indicating a need for public proceedings to develop further facts.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: March 13, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-3174; Filed, Mar. 18, 1952; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

MISCELLANEOUS AMENDMENTS

Paragraphs (h) of § 536.31, and (a) (1) of § 536.32 are amended to read as follows:

§ 536.31 Definitions. . . .

(h) *Citizen.* Any person whether or not a citizen of the United States, except a member of the uniformed services.

§ 536.32 *Payment for arrest and delivery of members absent without leave, deserters, and escaped military prisoners—(a) Services or expenses for which payment will be made.* (1) Persons or agencies

(i) Reimbursement for travel performed by privately owned conveyance at a rate not to exceed 7 cents a mile from place of apprehension or civil police headquarters to place of return to military control and return to place of apprehension or civil police headquarters.

[Ct. AR 35-1570, Mar. 5, 1952] (R. S. 161; 5 U. S. C. 22)

[SEAL]

WM. E. BERGIN,
Major General, USA,
The Adjutant General.

[F. R. Doc. 52-3175; Filed, Mar. 18, 1952; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Interpretation 50]

GENERAL CEILING PRICE REGULATION

INT. 50—OPEN PRICING CONTRACTS UNDER AMENDMENT 6, GCPR (SECTION 22)

Section 22, GCPR, as amended by Amendment 6, effective March 19, 1951, provides: "Nothing in this regulation shall be construed to prohibit the making of a contract or offer to sell a commodity or service at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery."

The question arises whether a seller under the above provision may make a contract for future delivery at a fixed price which is no higher than the existing ceiling price, with a clause stating "seller reserves the right to increase the price stated herein to the ceiling price in effect at the time of delivery." Such a contract provision is valid under clause (a) of Amendment 6 quoted above since it permits delivery at a price higher than the stated fixed price only if such higher price is within the ceiling price at the time of delivery.

The question also arises whether in a contract for future delivery a seller whose ceiling price is \$10 may properly include a provision to the effect that the price shall be "the lower of either \$15

or the ceiling price in effect at the time of delivery." Such a contract provision would be valid under clause (b) of Amendment 6 quoted above. Under such a contract provision, if the seller's ceiling price has gone up to \$20 at the time of delivery he would nevertheless be bound under his contract to deliver at \$15. On the other hand, if the seller's ceiling price at the time of delivery was \$10 he would be bound to deliver at \$10, under the requirement of the regulation as well as under the terms of the contract itself.

Clause (b) of Amendment 6 is intended for the benefit of a buyer who may be willing, in the event the seller's ceiling price is raised subsequent to the date of the contract but prior to the date of delivery, to pay a price higher than the ceiling price in effect at the time of the contract provided that his liability is limited to a fixed figure within such new ceiling price.

Any inconsistent interpretations previously issued on this subject are hereby revoked.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Chief Counsel,
Office of Price Stabilization.

MARCH 17, 1952.

[F. R. Doc. 52-3244; Filed, Mar. 17, 1952; 4:16 p. m.]

[General Interpretation 7]

GEN. INT. 7—DEPOSIT CHARGES FOR CONTAINERS; REFUNDABLE CONTAINER PLAN

A marketer of petroleum products has asked whether a proposed Refundable Container Plan, for the return of used light steel drums in which its products are sold, constitutes a "deposit charge" arrangement within the meaning of section 21 (a), CPR 63, which authorizes sellers to place a deposit charge up to \$10.00 on 55-gallon steel drums, and the similar provision of section 19 (a), CPR 66. Under the proposed plan, which would apply only to products which the seller sold on a returnable drum basis in the base period, customers would be invoiced at a unit price which would include the refund value for the container of 10¢ per gallon, equivalent to \$5.30 per barrel, which would be refunded to the customer upon return of the identifiable barrel.

The deposit charge provisions of CPR 63 and 66 are to be read in conjunction with section 2 (b) of CPR 36, which establishes ceiling prices for used steel drums. Section 2 (b) of CPR 36 provides that where a product is shipped in a steel drum on condition that the buyer shall resell such drum to the shipper, any such resale shall be subject to the ceiling prices for used drums established in CPR 36 (the CPR 36 ceiling price for a 55-gallon used steel drum being established at \$1.75). However, section 2 (b) also provides that nothing in that paragraph shall be construed to prohibit a person selling a product shipped in a steel drum on condition that the buyer shall return such drum to the shipper on penalty of forfeiture of a deposit. Thus,

if title to the drum remains in the shipper and the additional amount collected from the customer represents merely a legitimate deposit charge, to be refunded to the customer upon return of the steel drum, section 21 (a) of CPR 63 and section 19 (a) of CPR 66 become applicable and deposit charges may be collected within the limits set forth in those provisions.

The proposed plan includes the following essential elements:

(1) At the time of purchasing the product, customers will be invoiced at a unit price, which will include the refund value for the container of 10¢ per gallon, equivalent to \$5.30 per barrel. Barrels classified as Refundable Containers will be identified on the invoice received by the customer as "RC", and such invoice will include a suitable notice that the price charged for the products delivered in such drums includes the refundable value of the container.

(2) Upon return of the Refundable Container with the positive identification described below, the seller will refund the \$5.30 per drum originally collected, either by cash payment to the customer or by credit to his merchandise account.

(3) All barrels included in this plan will be classified as "Refundable Containers" and will bear suitable identifying insignia to distinguish them from other barrels. At the beginning of the plan, the seller will identify such barrels with a decalcomania which will state:

Return promptly for further use. Refund value of this barrel \$5.30, if returned in good condition with this label attached. X Company.

Within a short time such decalcomania identification will be replaced with stencilled identification on either the head or side of such barrels, and ultimately, if found practicable, stencilled identification will be replaced with a metal identification band affixed around the bung of the drum.

(4) In view of the fact that title to the drum will remain in the seller, with the 10¢ per gallon for the container being merely a deposit charge to be refunded to the customer upon return of the identifiable barrel, State sales taxes will not be assessed upon that portion of the unit price representing the refund value of the container.

(5) Because the funds collected as refund value for the containers will be a liability which must be refunded to the customer, such funds will be carried on the books of the seller in a Liability Account, distinct from funds collected in payment for merchandise. In addition, adequate records will be maintained showing the customers to whom barrel refunds are made and the amounts of such refunds.

(6) All drums involved in the Refundable Container arrangement will be classified on the books of the company as capital assets and depreciated in accordance with accepted accounting procedures.

(7) The seller will pay all applicable personal property taxes on such drums, since it will retain title to the drums.

(8) All customers will be advised of the inauguration of the new plan by medium of individual letters setting

forth the entire arrangement, and appropriate public postings. The letter addressed to each customer will state that products delivered in the Refundable Containers will be charged at prices including a refund value for the containers at a rate of 10¢ per gallon, equivalent to \$5.30 per barrel; that each Refundable Container will bear a label positively identifying it as a barrel delivered to the customer by the seller and for which the 10¢ per gallon refund value has been assessed; that upon return of the barrel in good condition, including the identifying label which must accompany it, a refund of \$5.30 will be credited to the customer; that although the price charged will thus include the refund value of \$5.30, sales tax will not apply upon such refund value, since sales tax will be charged on the product only and not upon the container. In the event any customer inquires as to why the new gallon price to be paid by him will be 10¢ higher than his previous price, the seller will make it clear that the OPS has not authorized any increase in the ceiling price of the product, that the 10¢ per gallon charge represents a deposit charge under section 21 (a), CPR 63, or section 19 (a), CPR 66, and that title to the drum will remain in the seller.

A Refundable Container Plan including the essential elements outlined above is considered a "deposit charge" arrangement within the meaning of section 21 (a), CPR 63, and section 19 (a), CPR 66. In addition, if a Refundable Container Plan including these essential elements is instituted under a ceiling price regulation which does not have an express deposit charge provision, such plan will be regarded as a "deposit charge" arrangement and therefore subject to the principles set forth in General Interpretation 2, Deposit Charges for Containers, dated August 7, 1951.

It should, of course, be noted that if the seller was on a nonreturnable drum basis during the applicable base period, his ceiling price must first be reduced appropriately as required under section 21 (b), CPR 63, section 19 (b), CPR 66, or section 1 (a), General Interpretation 2, before a deposit charge may be imposed.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Chief Counsel,
Office of Price Stabilization.

MARCH 18, 1952.

[F. R. Doc. 52-3257; Filed, Mar. 18, 1952;
11:10 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 6, § 6.185 (c) is amended to read as follows:

§ 6.185 *Premium waiver on United States Government life insurance under section 622 of the National Service Life Insurance Act, as amended April 25, 1951.* * * *

(c) No premiums may be waived under this section which became due on or prior to June 1, 1951, or which become due on or prior to the first day of the second calendar month following the insured's entry into active service, whichever is the later date: *Provided*, That no premium shall be waived for any period prior to the date of application therefor. Subject to these limitations, premium waiver under this section shall be effective as follows:

(1) As of the premium due date of the policy on or after the date application for waiver is delivered to the Veterans Administration. If forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery.

(2) As of the premium due date of the policy on or after the date application for waiver is executed and placed in military or naval channels. Unless otherwise shown, the date the application is executed will be taken as the date it was placed in such channels.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

2. In Part 8, §§ 8.26 and 8.26a are amended to read as follows:

§ 8.26 *How paid.* (a) A National Service life insurance policy, except as hereinafter provided in this section, shall participate in and receive such dividends from gains and savings as may be determined by the Administrator of Veterans' Affairs: *Provided*, That insurance issued under the provisions of sections 620 and 621 of the National Service Life Insurance Act, as amended, shall not be entitled to dividends, and insurance on which premiums are waived, in whole or in part, under the provisions of section 622 of the National Service Life Insurance Act, as amended, shall not be entitled to dividends for the period during which such premium waiver is in effect: *Provided further*, That insurance on which the requirements of good health have been waived under the provisions of section 602 (c) (2) of the National Service Life Insurance Act, as amended, at the time of issue or reinstatement of such insurance shall not be entitled to dividends. Dividends becoming payable after January 1, 1952, shall be payable on the date preceding the anniversary of the policy unless the Administrator shall declare them payable on some other date.

(b) Unless and until the Veteran's Administration receives a written request from the insured that National Service life insurance dividends be paid in cash, or that they be placed on deposit or be used to pay premiums in advance, or that they be used to pay the premiums on a particular policy or policies, any such dividends shall be held to the credit of the insured to be applied to pay monthly premiums becoming due and unpaid after the date such dividends

are payable on any National Service life insurance policy or policies held by the insured: *Provided*, That such dividend credits will be applied as of the due date of any unpaid premium and interest at such rate as the Administrator may determine will be added to any remaining dividend credit until so applied or paid in cash.

(c) In the event premiums on more than one policy having the same premium due date are unpaid and the dividend credit of the insured for application to payment of premiums is not sufficient to keep all policies in force, in the absence of instructions to the contrary by the insured, such dividend credit will be applied to pay premiums in such manner as will provide the maximum amount of insurance protection.

(d) At the expiration of any term period, dividend credit of the insured held for payment of premiums will be applied to pay the required premium for renewal of term insurance unless the insured requests otherwise in writing prior to the expiration of the term period.

(e) A request for payment of dividends in cash or for other disposition will be effective as of the date the request is delivered to the Veterans' Administration: If forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery: If forwarded through military channels by the insured while in military service, the date the request is placed in military channels will be accepted as the date of delivery. Unless otherwise stipulated by the insured, such request will remain in force until revoked in writing signed by the insured and delivered to the Veterans Administration.

(f) Dividend credit of the insured held for payment of premiums as provided in Public Law 36, 82d Congress, may not be used to satisfy any indebtedness due the United States without the insured's consent. If the insured requests payment of such dividend credit, or any unused portion thereof, in cash, or requests that such credit be left to accumulate on deposit, as provided in paragraph (g) of this section, then any indebtedness due the United States, such as described in § 8.60 (b), will be recovered therefrom.

(g) At the written request of the insured, National Service life insurance dividends may be left to accumulate on deposit at interest which will be credited annually at such rate as the Administrator may determine: *Provided*, That the policy is in force on a basis other than extended term insurance or level premium term insurance. Dividend credit of the insured under Public Law 36 held for payment of premiums or left to accumulate on deposit as provided in this paragraph may be applied to the payment of premiums in advance upon written request of the insured made before default in payment of a premium. Dividends on deposit under the provisions of this paragraph will be used in addition to the reserve on the policy for the purpose of computing the period of extended term insurance or the amount of paid-up insurance as provided in §§ 8.29 and 8.30, respectively. Any dividend credit of a

person who no longer has insurance in force by payment or waiver of premiums will be paid in cash to such person. Upon maturity of the policy, any dividend on deposit, any unpaid dividend payable in cash, and any dividend credit accruing from such policy which cannot be used to pay premiums as provided in Public Law 36, will be paid to the person currently entitled to receive payments under the policy. If the policy is not in force at death, any such unpaid dividends and dividend credits will be paid to the insured's estate.

(Sec. 10, Pub. Law 23 and Pub. Law 36, 82d Cong.)

§ 8.26a Special dividends. Any special National Service life insurance dividend declared prior to January 1, 1952, shall be paid in cash only. Such special dividends shall not be accepted to accumulate on deposit and shall not be available to pay premiums.

3. In § 8.60, paragraph (b) is amended to read as follows:

§ 8.60 Taxation and exemption.

(b) The exemption shall apply against the United States or any agency thereof: *Provided*, Except as to dividends being held to the credit of the insured for the payment of premiums under the provisions of Public Law 36, 82d Congress, May 18, 1951, the United States shall be entitled to collect by set-off or otherwise out of benefits, payable to any beneficiary under a National Service life insurance policy, the amount of any indebtedness due the United States by such beneficiary because of overpayments or illegal payments made to such beneficiary under laws administered by the Veterans Administration: *Provided further*, In the settlement of any claim arising out of the National Service Life Insurance Act of 1940, the United States shall be entitled to deduct the amount of unpaid premiums or loans, or interest on such premiums or loans; or indebtedness arising from overpayments of dividends, refunds, loans, or other insurance benefits; or any other indebtedness existing under the particular insurance contract.

4. In § 8.113, paragraph (c) is amended to read as follows:

§ 8.113 Premium waiver under section 622 of the National Service Life Insurance Act, as amended April 25, 1951.

(c) No premiums may be waived under this section which become due on or prior to June 1, 1951, or which become due on or prior to the first day of the second calendar month following the insured's entry into active service, whichever is the later date: *Provided*, That no premium shall be waived for any period prior to the date of application therefor. Subject to these limitations, and except as hereinafter provided in this paragraph, premium waiver under this section shall be effective as follows:

(1) As of the premium due date of the policy on or after the date application for waiver is delivered to the Veterans Administration. If forwarded by

mail, properly addressed, the postmark date will be taken as the date of delivery.

(2) As of the premium due date of the policy on or after the date application for waiver is executed and placed in military or naval channels. Unless otherwise shown, the date the application is executed will be taken as the date it was placed in such channels.

(3) If premiums are being waived under section 602 (n) of the National Service Life Insurance Act, as amended, at the time application for waiver under this section is made, such waiver will be effective at the termination of the premium waiver under section 602 (n) of the act, provided the insured has continued in the active service without interruption and is still eligible for waiver under this section at the later date.

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 808. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation effective March 19, 1952.

[SEAL]

O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-3107; Filed, Mar. 18, 1952; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Merchant Marine Officers and Seamen

[CGFR 52-17]

PART 12—CERTIFICATION OF SEAMEN

SUBPART 12.02—GENERAL REQUIREMENTS FOR CERTIFICATION

DENIAL OF MERCHANT MARINER'S DOCUMENTS TO CERTAIN ALIENS

The navigation and vessel inspection laws relating to merchant seamen are definite concerning the requirements for a merchant seaman, below the rating of officer, to have one or more documents issued by the United States Coast Guard in the form of a certificate of service, or a certificate of efficiency, or a certificate of identification, or a continuous discharge book, or a merchant mariner's document, depending upon circumstances, before he may be employed in the United States to serve on board a majority of the types of merchant vessels comprising the United States merchant marine. The immigration laws of the United States also make it unlawful to pay off or discharge an alien seaman employed on board any vessel arriving in the United States from any port or place unless such alien is duly admitted pursuant to the laws and treaties of the United States regulating the immigration of aliens; and, furthermore, the Immigration and Naturalization Service has the duty to require either the detention or deportation of any alien crew member of any vessel arriving in the United States when such alien is unlawfully present in the United States.

The United States Coast Guard has been issuing documents to aliens without determining whether or not such aliens

have been lawfully admitted to the United States for permanent residence. This practice has created difficulties in the enforcement of the navigation and vessel inspection laws by the United States Coast Guard and has created difficulties in carrying out the Coast Guard's responsibility for safeguarding of the national security insofar as shipping is concerned. The work of the Immigration and Naturalization Service is and has been also hampered by the fact that the Coast Guard has issued merchant mariner's documents to aliens whom the Immigration and Naturalization Service must at some later date order detained or deported. It is also apparent that an alien unlawfully present in the United States or lawfully present for a period of twenty-nine days will afford a sufficiently grave security risk so that he should be required to present evidence of lawful presence for permanent residence in the United States before the Coast Guard issues to him merchant seaman's documents.

The purpose of the following new regulations, designated as 46 CFR 12.02-10 and 12.02-23 (f), is to establish a definite requirement that no alien may be given a merchant seaman's document in the absence of acceptable proof from the United States Immigration and Naturalization Service that he is lawfully admitted to the United States for permanent residence. The acceptable documentary evidence may be in the form of an alien registration receipt card issued by the Immigration and Naturalization Service, or a declaration of intention to become a citizen of the United States issued by a naturalization court. Because of the difficulties encountered in the enforcement of the navigation and vessel inspection laws and immigration laws of the United States, as well as the national emergency declared by the President, it is found that compliance with a notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof of the Administrative Procedure Act is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), as well as the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective on the date of publication of this document in the FEDERAL REGISTER.

1. Part 12 is amended by adding a new § 12.02-10 reading as follows:

§ 12.02-10 Applications for documents from aliens. (a) No application from an alien for a certificate of service, certificate of efficiency, certificate of identification, continuous discharge book, or merchant mariner's document shall be accepted unless the alien presents acceptable documentary evidence from the United States Immigration and Naturalization Service that he is lawfully admitted to the United States for permanent residence.

(b) This evidence may be in the form of an alien registration receipt card issued by the Immigration and Naturali-

zation Service bearing the certification that the alien was admitted to the United States as an immigrant, or a declaration of intention to become a citizen of the United States issued by a naturalization court.

(Interprets or applies sec. 5, 49 Stat. 1935, as amended, sec. 302, 49 Stat. 1992, as amended, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 672a, 1132, 50 U. S. C. App. 1275)

2. Section 12.02-23 is amended by adding paragraph (f) reading as follows:

§ 12.02-23 *Issuance of duplicate documents.*

(f) No application from an alien for a duplicate of a certificate of service, certificate of efficiency, certificate of identification, continuous discharge book, or merchant mariner's document shall be accepted unless the alien complies with the requirements of § 12.02-10 with respect to proof that he is lawfully admitted to the United States for permanent residence.

(Interprets or applies sec. 5, 49 Stat. 1935, as amended, sec. 302, 49 Stat. 1992, as amended, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 672a, 1132, 50 U. S. C. App. 1275)

(R. S. 4405, 4417a, 4468, 4551, as amended, sec. 13, 38 Stat. 1169, as amended, sec. 1, 2, 49 Stat. 1544, 1545, sec. 7, 49 Stat. 1936, sec. 1, 52 Stat. 753, 55 Stat. 679; 46 U. S. C. 375, 391a, 481, 643, 672, 367, 689, 672b, 672-1, 672-2)

Dated: March 13, 1952.

[SEAL] MERLIN O'NEILL,
Vice Admiral,
U. S. Coast Guard, Commandant.

[F. R. Doc. 52-3199; Filed, Mar. 18, 1952; 8:52 a. m.]

[CGFR 52-12]

EXTRA RECHARGES FOR FIXED OR BUILT-IN FIRE EXTINGUISHING SYSTEMS

PORTABLE FIRE EXTINGUISHERS

The regulations for portable fire extinguishers on passenger and cargo vessels are in 46 CFR 61.13, 77.13, 95.13, and 114.15. In paragraph (g) of these sections there is a requirement for extra recharges for fixed or built-in fire extinguishing systems installed for lamp and paint lockers, emergency generator rooms, and similar spaces. The practice has been to accept the extinguishing agent for other spaces as being available as the recharge for a particular space in question. Inasmuch as at present there are few, if any, vessels actually carrying a bona fide spare charge for such fixed or built-in fire extinguishing systems, and since there appears to be no special need to require spare charges for each of the smaller hazards when the present regulations permit the use of a single supply for a combination of major hazards (for example, both machinery and cargo protection), therefore 46 CFR 61.13 (g), 77.13 (g), 95.13 (g), and 114.15 (g) are canceled in order to prevent a possible undue hardship in any particular case if a literal interpretation of the regulations were taken.

These amendments shall become effective immediately upon publication of this document in the FEDERAL REGISTER.

These amendments are published without prior general notice of their proposed issuance for the reason that notice, public rule making procedure thereon, and effective date requirements in connection therewith are hereby found to be unnecessary since they are a relaxation and clarification of present requirements.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

Subchapter G—Ocean and Coastwise; General Rules and Regulations

PART 61—FIRE APPARATUS; FIRE PREVENTION

Section 61.13 *Portable fire extinguishers* is amended by canceling paragraph (g) thereof.

(R. S. 4405, as amended, sec. 1, 2, 49 Stat. 1544, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 367, 50 U. S. C. 1275. Interprets or applies R. S. 4426, as amended, 4470, as amended, 4471, as amended, 4479, as amended, sec. 2, 54 Stat. 1028, as amended; 46 U. S. C. 404, 463, 464, 472, 463a)

Subchapter H—Great Lakes; General Rules and Regulations

PART 77—FIRE APPARATUS; FIRE PREVENTION

Section 77.13 is amended by canceling paragraph (g) thereof and this section will read as follows:

§ 77.13 *Portable fire extinguishers.* (See § 61.13 of this chapter, as amended, which is identical with this section.)

(R. S. 4405, as amended; 46 U. S. C. 375. Interprets or applies R. S. 4426, as amended, 4470, as amended, 4471, as amended, 4479, as amended, sec. 2, 54 Stat. 1028, as amended; 46 U. S. C. 404, 463, 464, 472, 463a)

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes; General Rules and Regulations

PART 95—FIRE APPARATUS; FIRE PREVENTION

Section 95.13 is amended by canceling paragraph (g) thereof and this section will read as follows:

§ 95.13 *Portable fire extinguishers.* (See § 61.13 of this chapter, as amended, which is identical with this section.)

(R. S. 4405, as amended; 46 U. S. C. 375. Interprets or applies R. S. 4426, as amended, 4470, as amended, 4471, as amended, 4479, as amended, sec. 2, 54 Stat. 1028, as amended; 46 U. S. C. 404, 463, 464, 472, 463a)

Subchapter J—Rivers; General Rules and Regulations

PART 114—FIRE APPARATUS; FIRE PREVENTION

Section 114.15 is amended by canceling paragraph (g) thereof and this section will read as follows:

§ 114.15 *Portable fire extinguishers.* (See § 61.13 of this chapter, as amended, which is identical with this section.)

(R. S. 4405, as amended; 46 U. S. C. 375. Interprets or applies R. S. 4426, as amended, 4470, as amended, 4471, as amended, 4479, as amended, sec. 2, 54 Stat. 1028, as amended; 46 U. S. C. 404, 463, 464, 472, 463a)

Dated: March 13, 1952.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 52-3201; Filed, Mar. 18, 1952; 8:52 a. m.]

[CGFR 52-10]

LIFESAVING APPARATUS AND DEVICES

MISCELLANEOUS AMENDMENTS

A notice regarding proposed changes in the regulatory specifications for lifeboat mechanical disengaging apparatus and the regulatory requirements for life preservers to be carried on ferryboats navigating on rivers was published in the FEDERAL REGISTER dated August 16, 1951, 16 F. R. 8136-8139, as Items XIII and XIV, respectively, on the agenda to be considered by the Merchant Marine Council, and a public hearing was held by the Merchant Marine Council on September 18, 1951, in Washington, D. C. No written comments were submitted for consideration and the proposed amendments are adopted without change.

The purpose of the amendment to 46 CFR 117.4 (a) is to require children's life preservers on motor propelled river ferry vessels so that no possible error in the intent of the regulations may be made. This amendment is in agreement with previous changes made in 46 CFR 25.4-1 (a), 26.2-1, 27.2-1, and 113.44a, which require that motorboats and motor vessels carrying passengers for hire shall be provided with an approved life preserver for each person on board and with an additional number of approved life preservers suitable for children equal to at least ten percent of the total number of persons carried.

The purpose of the changes in the regulatory specification for lifeboat mechanical disengaging apparatus in 46 CFR Subpart 160.033 is to change these requirements to agree with present regulations in 46 CFR 59.63 and 60.61 or to provide new requirements so that the equipment will comply with shipboard requirements set forth in 46 CFR 59.3a, 60.21a, 76.15a, and 94.14a in the General Rules and Regulations for Vessel Inspection. The purpose of the amendment to 46 CFR 160.033-2 (c) is to revise the regulation to agree with requirements in 46 CFR 59.63 and 60.61. The purpose of the new regulation, designated 46 CFR 160.033-3 (f), is to require affidavits relative to the materials used in order to insure that subsequent releasing gears will maintain a factor of safety at least equivalent to that provided in the first gear tested. The purpose for revising 46 CFR 160.033-4 (c) (1) is to increase the test load to an amount equivalent to the weight

of the fully loaded lifeboat plus ten percent so that the operating test load for initial approval of the gear will not be less than the load used in the shipboard installation test required by 46 CFR 59.3a, 60.21a, 76.15a, and 94.14a in the General Rules and Regulations for Vessel Inspection.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below the following amendments to the regulations are prescribed which shall become effective thirty days after date of publication of this document in the FEDERAL REGISTER:

Subchapter J—Rivers; General Rules and Regulations

PART 117—FERRYBOATS

Section 117.4 (a) is amended to read as follows:

§ 117.4 *Life preservers, life floats, and fire-fighting equipment.* (a) (1) After July 1, 1929, all ferryboats propelled by steam shall be equipped with a life preserver (or float where same is allowed by law) for every 5 square feet of passenger deck surface on single-deck ferryboats and for every 8.5 square feet of such deck surface on ferryboats having more than one passenger deck, such measurement to include all deck space in the team gangways at each end of the cabins: *Provided, however,* That ferryboats navigating on routes where the number of passengers carried is less than the number of life preservers re-

quired by this measurement shall be required to carry one life preserver for each person on board.

(2) All motor-propelled ferryboats shall be provided with one approved life preserver for each person on board and with an additional number of approved life preservers suitable for children equal to at least ten percent of the total number of persons carried.

(R. S. 4405, as amended; 46 U. S. C. 375. Interprets or applies R. S. 4426, as amended; 46 U. S. C. 404)

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

SUBPART 160.033—MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

1. Section 160.033-2 (c) is amended to read as follows:

§ 160.033-2 *General requirements for mechanical disengaging apparatus.* * * *

(c) Other types of mechanical disengaging apparatus will be considered for lifeboats fitted on vessels operating on waters other than ocean and coastwise, or for vessels of 3000 gross tons and under operating in ocean and coastwise service.

2. Section 160.033-3 is amended by adding a new paragraph (f), reading as follows:

§ 160.033-3 *Construction of mechanical disengaging apparatus.* * * *

(f) The manufacturer shall furnish mill or foundry affidavits relative to the

physical and chemical properties of the materials used.

3. Section 160.033-4 (c) is amended to read as follows:

§ 160.033-4 *Inspection and testing of mechanical disengaging apparatus.* * * *

(c) *Installation test prior to passing first unit installed.* (1) Each new type or arrangement of mechanical disengaging apparatus shall be tested by suspending a lifeboat loaded with deadweight equivalent to the number of persons allowed in the lifeboat (165 pounds per person) together with the weight of the equipment, plus 10 percent of the total load. The release lever shall then be thrown over with this load suspended until the lifeboat is released. This test shall demonstrate the efficiency of the installation in an actual lifeboat. (This test may be conducted ashore by suspending the lifeboat just clear of the ground.)

(Interprets or applies R. S. 4420, as amended, 4482, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428; 46 U. S. C. 395, 404, 475, 481, 489)

(R. S. 4405, 4417, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 367, 528p, 1333, 50 U. S. C. 1275)

Dated: March 13, 1952.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 52-3200; Filed, Mar. 18, 1952; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF MAPLE SIRUP

NOTICE OF NONISSUANCE OF REVISED STANDARDS

A notice of proposed rule making was published in the April 21, 1951, issue of the FEDERAL REGISTER (16 F. R. 3497) concerning the issuance of revised United States Standards for Grades of Maple Sirup, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved Aug. 31, 1951).

This notice provided a period of 90 days for all persons to submit written data, views, or arguments for consideration in connection with the proposed revision. An extension until January 1, 1952, of the period of time within which such written data, views, or arguments could be filed was published August 1, 1951, in the FEDERAL REGISTER (16 F. R. 7520).

On the basis of all such data, views, and arguments which have been filed

with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration and all relevant matters presented pursuant to such notice, it has been concluded that it is not desirable to issue the proposed standards at this time.

It is determined, therefore, that the United States Standards, as proposed in the aforementioned notice, will not be made effective at this time.

Done this 13th day of March 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-3148; Filed, Mar. 18, 1952; 8:47 a. m.]

[7 CFR Part 946]

[Docket No. AO-123 A-14]

MILK HANDLING IN LOUISVILLE, KY., MILK MARKETING AREA

NOTICE OF HEARING; PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended

(7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Brown Hotel, Louisville, Kentucky, beginning at 10:00 a. m., c. s. t., March 25, 1952, for the purpose of receiving evidence with respect to economic conditions which relate to the handling of milk in the Louisville, Kentucky, marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area (7 CFR 946 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order (No. 46), as amended, for the Louisville, Kentucky, milk marketing area were proposed, as follows:

By the Louisville Milk Dealers Association, Louisville, Kentucky:

1. Amend order No. 46, as amended, by adding a new section as follows:

§ 946.53 *Location and station differentials to handlers.* With respect to

PROPOSED RULE MAKING

skim milk and butterfat contained in milk received from producers at a country plant, which is moved in the form in which it is received from such plant to a city plant or which is disposed of outside the marketing area there shall be deducted in the computation of the net obligation of the handler the amounts set forth in the following schedule according to the shortest hard surfaced highway as determined by the market administrator from the plant where the milk is first received from producers to City Hall in Louisville:

Mileage Zones	Cents per hundredweight
More than 25 but not more than 35 miles.....	13
More than 35 but not more than 45 miles.....	15
More than 45 but not more than 55 miles.....	17
For each additional 10 miles or fraction thereof an additional.....	1

2. Amend Order No. 46, as amended, by designating § 946.81 as § 946.81 (a) and adding a new paragraph as follows:

(b) *Location and station differentials to producers.* In making payments to producers pursuant to § 946.80 a handler may deduct, with respect to all milk received from producers at a country plant not more than the following respective amount per hundredweight of milk as set forth in the following schedule according to the distance by shortest hard surfaced highway from the country plant where the milk is first received from producers to the City Hall in Louisville:

Mileage zones	Cents per hundredweight
More than 25 but not more than 35 miles.....	13
More than 35 but not more than 45 miles.....	15
More than 45 but not more than 55 miles.....	17
For each additional 10 miles or fraction thereof an additional.....	1

3. Make such other changes as may be required to make the entire marketing agreement and order conform with the proposed amendments.

By the Dairy Branch, Production and Marketing Administration:

4. Delete § 946.51 (b) (1) and substitute therefor the following:

(1) From the average of the basic or field prices per hundredweight determined by the market administrator to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at plants at the following locations:

Present Operator and Location

Kraft Foods Co., Lawrenceburg, Ky.
Armour Creameries, Elizabethtown, Ky.
Armour Creameries, Springfield, Ky.
Salem Cheese & Milk Co., Salem, Ind.
Madison Milk Co., Madison, Ind.
Producers Dairy Marketing Association, Orleans, Ind.

subtract the amount computed by multiplying the Chicago butter price for the month by 0.12, and then by 2.

Copies of this notice of hearing and of the order, as amended, now in effect, may be procured from the Market Administrator, 565 Starks Building, Louis-

ville 2, Kentucky, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 14, 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-3198; Filed, Mar. 18, 1952;
8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 12]

[Docket No. 10157]

AMATEUR SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of Amendment of § 12.111 of the Commission's rules and regulations to delete authority for operation in the 14,350-14,400 kc band by stations in the Amateur Service; Docket No. 10157.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend § 12.111 of the Commission's rules and regulations, effective April 1, 1952, by deleting the provision authorizing stations in the Amateur Service to operate in the 14,350-14,400 kc band of frequencies. The Atlantic City (1947) Table of Frequency Allocations, ratified by the United States on June 18, 1948, allocates the 14,350-14,400 kc band for use by stations in the Fixed Service, and the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951), to which the United States is a signatory, contains provisions which permit stations in the Fixed Service to be licensed in this band at this time. It is imperative, in order to protect the telecommunications interests of the United States and to carry out existing international obligations, that stations in the Amateur Service cease operating in the 14,350-14,400 kc band by April 1, 1952, in order that the Commission may issue authorizations in that band to stations in the Fixed Service in accordance with the Atlantic City Table.

3. The proposed amendment to the rules is issued under the authority of sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conferences, Atlantic City (1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

4. Any interested person who is of the opinion that the proposed amendment should not be adopted may file with the Commission on or before March 28, 1952, a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. The Commission will consider all comments and briefs presented before taking final action with respect to the proposed amendment.

5. Fifteen copies of each brief or written statement should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: March 17, 1952.

Released: March 17, 1952.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-3207; Filed, Mar. 10, 1952;
8:53 a. m.]

[47 CFR Part 12]

[Docket No. 10158]

AMATEUR SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 12.111 of the Commission's rules and regulations to authorize use of the 21,000-21,450 kc band by stations in the Amateur Service; Docket No. 10158.

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. It is proposed to amend § 12.111 of the Commission's rules and regulations to authorize stations in the Amateur Service to operate, commencing May 1, 1952, in the 21,000-21,450 kc band of frequencies using type A-1 emission only. The Atlantic City (1947) Table of Frequency Allocations, ratified by the United States on June 18, 1948, allocates the 21,000-21,450 kc band of frequencies for use by stations in the Amateur Service, and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951), to which the United States is a signatory, contains provisions which permit amateur stations to be licensed in this band at this time.

3. The Commission also proposes to institute further rule making proceedings to determine what types of emission should be permanently authorized to be used in this band, how the band should be apportioned among those types of emission, and the classes of amateur operator licenses to be required when using each of those types of emission.

4. The proposed amendment to the rules is issued under the authority of sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended, and the provisions of the final acts of the International Telecommunications and Radio Conference, 1947, and the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

5. Any interested person who is of the opinion that the proposed amendment should not be adopted may file with the Commission on or before April 17, 1952, a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. The Commission will consider all comments and briefs presented before taking action with respect to the proposed amendment.

6. Fifteen copies of each brief or written statement should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: March 17, 1952.

Released: March 17, 1952.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] Wm. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-3245; Filed, Mar. 18, 1952;
8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SOUTH DAKOTA

STOCK DRIVEWAY WITHDRAWAL NO. 200,
SOUTH DAKOTA NO. 4, REDUCED

MARCH 10, 1952.

Pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.22 (a) (1) of Order No. 427, dated August 16, 1950 (15 F. R. 5639), it is ordered as follows:

Subject to valid rights and the provisions of existing withdrawals, the Departmental Order of June 24, 1929, establishing Stock Driveway Withdrawal No. 200, South Dakota No. 4, under section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U. S. C. 300), is hereby revoked so far as it affects the following described lands:

BLACK HILLS MERIDIAN

T. 9 N., R. 6 E.,
Sec. 4, lot 4.

The area described aggregates 40.44 acres.

The above described land is primarily suitable for grazing purposes. No application for this land may be allowed under the homestead, small tract, desert land or any other nonmineral public land laws until the land has been classified. It is unlikely that the land will be classified as suitable for homestead, desert land or small tract use.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of the applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications for this land may be obtained on request from the Manager, Montana Land Office, Bureau of Land Management, Billings,

No. 55—3

Montana, or the Director, Bureau of Land Management, Washington, D. C.

ALBIN D. MOLOHON,
Regional Administrator.

[F. R. Doc. 52-3179; Filed, Mar. 18, 1952;
8:51 a. m.]

SOUTH DAKOTA

STOCK DRIVEWAY WITHDRAWAL NO. 208,
SOUTH DAKOTA NO. 5, REDUCED

MARCH 10, 1952.

Pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.22 (a) (1) of Order No. 427, dated August 16, 1950 (15 F. R. 5639), it is ordered as follows:

Subject to valid rights and the provisions of existing withdrawals, the Departmental Orders of February 13, 1930 and March 8, 1930, establishing Stock Driveway Withdrawal No. 208, South Dakota No. 5, under section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U. S. C. 300), is hereby revoked so far as it affects the following described lands:

BLACK HILLS MERIDIAN

T. 10 N., R. 6 E.,
Sec. 5, lots 1, 2, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 24, S $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 25, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 29, W $\frac{1}{2}$ SW $\frac{1}{4}$,
T. 11 N., R. 6 E.,
Sec. 33, SW $\frac{1}{4}$.

The areas described aggregate 533.82 acres.

The above described lands are primarily suitable for grazing purposes. No application for these lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws until the lands have been classified. It is unlikely that the lands will be classified as suitable for homestead, desert land, or small tract use.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of the applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications for this land may be obtained on request from the Manager, Montana Land Office, Bureau of Land Management, Billings, Montana, or the Director, Bureau of Land Management, Washington, D. C.

ALBIN D. MOLOHON,
Regional Administrator.

[F. R. Doc. 52-3180; Filed, Mar. 18, 1952;
8:51 a. m.]

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 23,
WYOMING NO. 6, REDUCED

MARCH 10, 1952.

Pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.22 (a) (1) of Order No. 427, dated August 16, 1950 (15 F. R. 5639), it is ordered as follows:

Subject to valid rights and the provisions of existing withdrawals, the Departmental Order of June 20, 1918, establishing Stock Driveway Withdrawal No. 23, Wyoming No. 6, under section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U. S. C. 300), is hereby revoked so far as it affects the following described land:

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 88 W.,
Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described aggregates 60 acres.

These lands are principally suited for business and homesites under the small tract act and shall not become subject to the initiation of any rights or to any disposition under the public land laws until it is so provided by an order of classification to be issued by the Regional Administrator, Bureau of Land Management, Region III, Billings, Montana, opening the lands to application under the small tract act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, with a 91-day preference right period for filing such applications by veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

ALBIN D. MOLOHON,
Regional Administrator.

[F. R. Doc. 52-3181; Filed, Mar. 18, 1952;
8:51 a. m.]

Bureau of Reclamation

CENTRAL VALLEY PROJECT, CALIFORNIA
FIRST FORM RECLAMATION WITHDRAWAL

FEBRUARY 1, 1951.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 10 N., R. 7 E.,
Sec. 25, Lot 3;
Sec. 35, Lot 1.

The above areas aggregate 16.50 acres.

WESLEY R. NELSON,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

WILLIAM PINCUS,
Assistant Director,
Bureau of Land Management.

MARCH 5, 1952.

[F. R. Doc. 52-3127; Filed, Mar. 18, 1952;
8:45 a. m.]

CENTRAL VALLEY PROJECT, CALIFORNIA
NOTICE FOR FILING OBJECTIONS TO ORDER
WITHDRAWING PUBLIC LANDS

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of California, for use in connection with the Central Valley Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WESLEY R. NELSON,
Assistant Commissioner.

[F. R. Doc. 52-3128; Filed, Mar. 18, 1952;
 8:45 a. m.]

LA BARGE PROJECT, WYOMING
FIRST FORM RECLAMATION WITHDRAWAL
MAY 8, 1951.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

SIXTH PRINCIPAL MERIDIAN, WYOMING

- T. 29 N., R. 110 W.,
 Sec. 5, Lots 1, 2, and 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 30 W., R. 110 W.,
 Sec. 31, Lots 2, 3, 4, 5, 8, 9 and 10, and SE $\frac{1}{4}$ NE $\frac{1}{4}$.
 Sec. 32, S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and E $\frac{1}{2}$.
 T. 29 N., R. 111 W.,
 Sec. 1, Lots 1, 2 and 3;
 Sec. 3, Lot 5;
 Sec. 4, Lot 5;
 Sec. 17, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
 Sec. 20, W $\frac{1}{2}$.
 Sec. 21, Lots 2, 4 and 5;
 Sec. 29, W $\frac{1}{2}$ E $\frac{1}{2}$.
 Sec. 32, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and W $\frac{1}{2}$.
 T. 30 N., R. 111 W.,
 Sec. 33, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$.
 Sec. 35, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.
 T. 26 N., R. 112 W.,
 Sec. 6, Lots 2, 3, 4, 5 and 9, and SE $\frac{1}{4}$ NW $\frac{1}{4}$.
 Sec. 7, Lot 5;
 Sec. 18, Lots 1, 2 and 3.
 T. 27 N., R. 112 W.,
 Sec. 4, Lots 2, 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$.
 Sec. 5, Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$.
 Sec. 7, E $\frac{1}{2}$.

¹ See F. R. Doc. 52-3127, *supra*.

- Sec. 8, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and S $\frac{1}{2}$.
 Sec. 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
 Sec. 17, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
 Sec. 18, Lots 1, 2, 3 and 4, E $\frac{1}{2}$, and E $\frac{1}{2}$ W $\frac{1}{2}$.
 Sec. 19, Lots 1, 2, 3 and 4, E $\frac{1}{2}$, and E $\frac{1}{2}$ W $\frac{1}{2}$.
 Sec. 20, Lot 6, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$.
 Sec. 29, Lots 4 and 5;
 Sec. 30, Lots 1 to 7, incl., N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$.
 Sec. 31, Lots 3, 4, 9, 10 and 11, W $\frac{1}{2}$ E $\frac{1}{2}$, and E $\frac{1}{2}$ W $\frac{1}{2}$.
 T. 28 N., R. 112 W.,
 Sec. 1, Lots 1 to 13, incl., 17 and 18, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.
 Sec. 2, S $\frac{1}{2}$.
 Sec. 11, N $\frac{1}{2}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$.
 Sec. 12, Lots 4 and 5, and W $\frac{1}{2}$ NW $\frac{1}{4}$.
 Sec. 13, Lots 4, 10 and 11;
 Sec. 14, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$.
 Sec. 22, E $\frac{1}{2}$.
 Sec. 23, Lots 1, 2, 3 and 8, NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$.
 Sec. 27, all;
 Sec. 28, SE $\frac{1}{4}$.
 Sec. 32, SE $\frac{1}{4}$.
 Sec. 33, all.
 T. 26 N., R. 113 E.,
 Sec. 2, Lots 1, 2, 9, 13 and 14, and W $\frac{1}{2}$ SE $\frac{1}{4}$.
 Sec. 11, Lots 1 to 4, incl., and W $\frac{1}{2}$ E $\frac{1}{2}$.
 Sec. 14, Lots 1, and NW $\frac{1}{4}$ NE $\frac{1}{4}$.
 Sec. 23, W $\frac{1}{2}$ E $\frac{1}{2}$.
 T. 27 N., R. 113 W.,
 Sec. 13, SE $\frac{1}{4}$.
 Sec. 24, E $\frac{1}{2}$.
 Sec. 25, E $\frac{1}{2}$.

The areas described aggregate 13,285.58 acres.

WESLEY R. NELSON,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

WILLIAM ZIMMERMAN, Jr.,
Acting Director,
Bureau of Land Management.

FEBRUARY 28, 1952.

[F. R. Doc. 52-3129; Filed, Mar. 18, 1952;
 8:45 a. m.]

LA BARGE PROJECT, WYOMING

NOTICE FOR FILING OBJECTIONS TO ORDER
WITHDRAWING PUBLIC LANDS

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Wyoming, for use in connection with the La Barge Project may present their objections to the Secretary of the Interior. Such objections should be in writing, addressed to the Secretary of the Interior, and filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as

to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WESLEY R. NELSON,
Assistant Commissioner.

[F. R. Doc. 52-3130; Filed, Mar. 18, 1952;
 8:45 a. m.]

**YUMA IRRIGATION PROJECT, ARIZONA-
 CALIFORNIA**

**PUBLIC NOTICE OF ANNUAL OPERATION AND
 MAINTENANCE CHARGES AND ANNUAL
 WATER RENTAL CHARGES**

FEBRUARY 28, 1952.

1. *Annual operation and maintenance charges for lands under public notice, Reservation Division.* The minimum annual operation and maintenance charge for the calendar year 1952 and thereafter until further notice against all lands of the Reservation Division under public notice shall be \$7.50 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 7 acre-feet of water per acre on certain sandy areas shown on the list attached to public notice No. 64¹ and to 5 acre-feet of water per irrigable acre on all other lands of the division under public notice. Additional water, if available, will be furnished at the rate of \$2.00 per acre-foot.

Where in the opinion of the Chief, Operations Division, Lower Colorado River District, it may be done without interference with other project requirements, upon written request filed in advance by a water user who is not delinquent in the payment of any operation and maintenance charges, water will be furnished free of charge for reclaiming lands by the usual methods; *Provided, however,* That lands for which free water was served during the preceding calendar year will not again be served free water in the absence of evidence satisfactory to the Chief, Operations Division that although the water so served free of charge during such preceding year was applied to the land in sufficient quantities over a period of not less than 3 months, the results accomplished during such preceding year were not satisfactory.

All operation and maintenance charges shall be due and payable on October 1 of each year for the current calendar year.

2. *Annual water rental charges for other lands, Reservation Division.* Irrigation water will be furnished during the calendar year 1952 and thereafter until further notice for lands in the Reservation Division not under public notice which can be irrigated from the present distribution system without further construction expense by the Bureau, upon a rental basis under approved applications for temporary water service, at the following rates: The minimum annual charge shall be \$7.50 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per acre.

¹ 16 F. R. 5382.

¹ See F. R. Doc. 3129, *supra*.

Additional water, if available, will be furnished at the rate of \$2.00 per acre-foot. All charges shall be payable in advance of the delivery of water. Refund will be made for additional water paid for but not used.

3. *Annual water rental charges for lands in the Valley Division not under public notice.* Irrigation water will be furnished during the calendar year 1952 and thereafter until further notice for lands in the Valley Division not under public notice which can be irrigated from the present distribution system without further construction expense by the United States, upon a rental basis under approved applications for temporary water service, at the following rates:

(a) The minimum annual charge shall be \$15.50 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per irrigable acre. Additional water, if available, will be furnished at the rate of \$1.50 per acre-foot.

(b) The charge per calendar year for each city or town lot having a maximum width not exceeding sixty (60) feet shall be \$10.00. Where an applicant requests water service for more than one such lot in the same city or town the charge per calendar year for each additional lot shall be \$4.00. Where lots exceed sixty (60) feet in width, each sixty (60) feet of additional width or fractional part thereof shall be considered as one additional lot.

All charges shall be payable in advance of the delivery of water. Refund will be made for additional water paid for under subdivision (a) hereof but not used.

4. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

5. *Place of payment.* All payments should be made to the Agent-Cashier, Bureau of Reclamation, Yuma Air Base, or mailed to the Agent-Cashier, Bureau of Reclamation, Bin 151, Yuma, Arizona.

E. A. MORITZ,
Regional Director.

[F. R. Doc. 52-3131; Filed, Mar. 18, 1952;
8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[Defense Food Delegation No. 2, Revision 1]

SECRETARY OF INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO FISHERY COMMODITIES OR PRODUCTS

Defense Food Delegation No. 2 (16 F. R. 3311, 3519)¹ is hereby revised to read as follows:

The Department of the Interior has certain responsibilities and exercises certain functions with respect to the production of the Nation's supply of fishery

commodities. It is highly desirable in order to insure the necessary production that the exercise of all functions with respect to the production of fish be closely coordinated. To effectuate this purpose and to utilize to the fullest extent possible the technical knowledge and experience of the fishery staff of the Department of the Interior, it is the purpose of the Secretary of Agriculture to delegate to the Secretary of the Interior certain defense functions delegated to the Secretary of Agriculture.

Therefore, pursuant to the provisions of section 902 (b) of Executive Order 10161 (15 F. R. 6105), as amended, the Secretary of Agriculture hereby delegates, subject to the terms and conditions set forth herein, to the Secretary of the Interior the following functions vested in the Secretary of Agriculture by Executive Order 10161, Executive Order 10200, Executive Order 10281, and Defense Production Administration Delegation No. 1, as amended (15 F. R. 6105, 16 F. R. 61, 16 F. R. 8789, and 16 F. R. 11245):

(1) The priority and allocation functions set forth in sections 101 (b) and 102 of Executive Order 10161, as amended, with respect to the production of fishery commodities or products.

(2) The claimant functions under section 103 (a) of Executive Order 10161, as amended, with respect to all materials and additional facilities requisite to the production of fishery commodities or products, but excluding tin container supply and materials and facilities used in common for processing of fish and other foods: *Provided*, That the Secretary of the Interior, prior to the exercise of this claimant function, shall, to assure full coordination, notify the Secretary of Agriculture of his intent to do so, and shall provide with such notice complete and detailed information as to the materials and additional facilities concerned.

(3) Requisitioning functions under section 201 (a) of Executive Order 10161, as amended, with respect to the production of fishery commodities or products, except that with respect to the processing of fish the Secretary of Agriculture reserves the right to prohibit or modify the exercise of this function in any instance where, in his opinion, such action would interfere with or have an adverse effect upon the processing of other foods: *Provided*, That the Secretary of the Interior, prior to the exercise of the requisitioning function, shall notify the Secretary of Agriculture of his intent to do so. The Secretary of Agriculture will consult with the Secretary of the Interior in order to assure full coordination before exercising the requisitioning function with respect to food processing when he determines that such action may interfere with the processing of fish.

(4) The function of certifying under sections 310 (b) and 311 (b) of Executive Order 10161, as amended, with respect to loans required for the production of fishery commodities or products.

(5) The function of recommending to the Defense Production Administrator for the issuance of certificates under

subsection (e) of section 124A of the Internal Revenue Code with respect to the production of fishery commodities or products.

(6) Such functions relating to labor supply as are delegated to the Secretary of Agriculture under section 601 (b) of Executive Order 10161, as amended, with respect to the production of fishery commodities or products.

(7) The functions delegated to the Secretary of Agriculture under section 701 (a) (1) of Executive Order 10161, as amended, with respect to the production of fishery commodities or products.

(8) The functions delegated to the Secretary of Agriculture under sections 902 (a), (b), (d) (1), (d) (2), and 904 of Executive Order 10161, as amended, with respect to the production of fishery commodities or products.

The term "production" as used herein means the catching and harvesting of any form of aquatic animal or plant life and the processing thereof.

The term "fishery commodities or products" as used herein means any edible or nonedible fish, any form of aquatic animal or plant life, or any other commodity or product, including fats and oils, of marine or fresh water origin, which is within the meaning of the term "food" as defined in section 901 (h) of Executive Order 10161, as amended.

The functions hereby delegated to the Secretary of the Interior shall be exercised with respect to the production of fishery commodities or products to fulfill the requirements for military, essential civilian, and foreign needs, as determined by the Secretary of Agriculture.

Nothing herein shall be construed to delegate to the Secretary of the Interior functions vested in the Secretary of Agriculture with respect to (1) the distribution in consumer channels of unprocessed fishery commodities after delivery to the initial purchaser; or (2) the distribution; procurement; inspection; container supply; specification of product, container, standards, and labeling; of or relating to, processed fishery commodities or products.

Nothing contained herein shall affect the validity of any action taken pursuant to Defense Food Delegation No. 2 prior to this revision.

Done at Washington, D. C., this 17th day of March 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-3246; Filed, Mar. 17, 1952;
5:11 p. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower

¹ Originally published in 15 F. R. 6998.

than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of regulations, Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043).

Armored Garments, Inc., Spruce Pine, N. C., effective 3-7-52 to 9-6-52; six learners for expansion purposes (pants, overalls, coveralls, work shirts).

Banks & Pusey, Delmar, Del., effective 3-6-52 to 3-5-53; 10 learners (work pants). Blain Associates, Perry County, Blain, Pa., effective 3-7-52 to 3-6-53; five learners (women's rayon underwear).

General Shirt Corp., Louisville, Ga., effective 3-5-52 to 3-4-53; 10 percent of the productive factory force (dress and sport shirts).

Glenridge Trouser Corp., Tipton, Mo., effective 3-5-52 to 3-4-53; 10 percent of the productive factory force (trousers and slacks).

Halamar Garment Co., Inc., Dean Sub-Division, Alexander City, Ala., effective 3-3-52 to 9-2-52; 36 learners for expansion purposes (dresses).

G. H. Hess, Inc., corner Main and Twenty-fourth Street, Wheeling, W. Va., effective 3-3-52 to 3-2-53; 10 learners (wash dresses, cotton uniforms).

Hortex Manufacturing Co., Inc., 209-219 South Oregon Street, El Paso, Tex., effective 3-7-52 to 3-6-53; 10 percent of the productive factory force (pants, overalls and work shirts).

Jesse Jean Manufacturing Corp., College and Line Streets, Ellwood City, Pa., effective 3-3-52 to 3-2-53; 10 learners (children's dungarees).

Joy Togs, Inc., 930 Highland Avenue, Greensburg, Pa., effective 3-4-52 to 3-3-53; 10 learners (children's snow suits).

Joy Togs, Inc., 930 Highland Avenue, Greensburg, Pa., effective 3-4-52 to 9-3-52; 10 learners for expansion purposes (children's snow suits).

The Kaynee Co., Williamsburg, Ky., effective 3-7-52 to 3-6-53; 10 percent of the productive factory force (shirts, pajamas, trousers).

Liberty Prock Co., Inc., 1331 Oak Street, Kansas City, Mo., effective 3-6-52 to 3-5-53; 10 learners (dresses).

Metro Pants Co., 38 West Rock Street, Harrisonburg, Va., effective 3-6-52 to 3-5-53; 10 percent of the productive factory force (trousers).

Mrs. Esther Page, 8 Loring Street, Lawrence, Mass., effective 3-3-52 to 3-2-53; 3 learners (ladies' sportswear).

Palm Beach Corp., St. Paul, Va., effective 3-3-52 to 3-2-53; 10 learners (ladies' lingerie).

Streamline Garment Corp., 1010 West Main Street, West Frankfort, Ill., effective 3-7-52 to 9-6-52; 10 learners for expansion purposes (dresses and housecoats).

Streamline Garment Corp., 1010 West Main Street, West Frankfort, Ill., effective 3-7-52 to 3-6-53; 10 percent of the productive factory force (dresses and housecoats).

I. Taitel & Son, 12 South Prettyman Street, Knoxville, Ind., effective 3-12-52 to 3-11-53; 10 percent of the productive factory force (pants, overalls, coveralls, work shirts).

Thorntown Textile Co., Thorntown, Ind., effective 3-7-52 to 3-6-53; 10 learners (cotton blouses).

Washco Corp., P. O. Box 1110, Millry, Ala., effective 3-3-52 to 3-2-53; 10 learners (sport shirts).

Wentworth Manufacturing Co., Lake City, S. C., effective 3-6-52 to 3-5-53; 10 percent of the productive factory force (women's house dresses).

Wentworth Manufacturing Co., Lake City, S. C., effective 3-6-52 to 4-16-52; 75 additional learners for expansion purposes (women's house dresses) (supplemental certificate).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Indianapolis Glove Co., Inc., Glenwood, Ark., effective 3-3-52 to 9-2-52; 25 learners for expansion purposes (canton flannel and leather work gloves).

Lambert Manufacturing Co., 1123 North Osteopathy, Kirksville, Mo., effective 3-7-52 to 3-6-53; 10 learners (cotton and jersey work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

The Bella Co., Mount Pleasant, Tenn., effective 3-1-52 to 10-31-52; 10 learners for expansion purposes.

Berkshire Knitting Mills, Andrews, N. C., effective 3-3-52 to 11-2-52; 50 learners for expansion purposes.

Gulford Hosiery Mills, Inc., High Point, N. C., effective 3-5-52 to 3-4-53; 5 percent of the productive factory force.

McDonough Hosiery Mills, Inc., McDonough, Ga., effective 3-6-52 to 3-5-53; five learners.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Sleepy Eye Telephone Co., Sleepy Eye, Minn., effective 3-6-52 to 3-5-53.

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Borinquen Artificial Flower Co., Naranjito, P. R., effective 2-27-52 to 8-26-52; 15 learners; manufacture by hand of artificial flowers, except flower cutting, pressing and packing; 160 hours at 33 cents per hour (artificial flowers).

Mark Ross Optical Corp., Caguas, P. R., effective 2-27-52 to 8-26-52; eight learners; temple maker, front maker, and finisher, combined; polishing operation; each 300 hours at 34 cents per hour (ophthalmic frames).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in

the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C., this 12th day of March 1952.

MILTON BROOKE,
Authorized Representative
of the Administrator.

[F. R. Doc. 52-3173; Filed, Mar. 18, 1952; 8:50 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination 97]

YUMA, ARIZONA; CRITICAL DEFENSE
HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF
CREDIT CONTROLS

SECTION 1. Authority. This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9th, 1950 and Executive Order 10276 of July 31st, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

Sec. 2. Determination. In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated March 11, 1952, that the Yuma, Arizona, area (this area consists of that part of Yuma County, Arizona, lying west of 114 degrees longitude and south of 33 degrees latitude) is a critical defense housing area, and in view of the defense housing program announced for the said area on December 29, 1951, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Yuma, Arizona, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

MARCH 14, 1952.

[F. R. Doc. 52-3239; Filed, Mar. 17, 1952; 3:21 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 6]

SOUTH ADAMS FIELD, ARENAC COUNTY,
MICHIGAN

CRUDE PETROLEUM CEILING PRICES
ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude petroleum produced

from the South Adams Field, Arenac County, Michigan.

The Bay Pipe Line Corporation of Saginaw, Michigan, desires to eliminate the differentials it has heretofore imposed upon the crude petroleum produced from the South Adams Field, Arenac County, Michigan. During the base period there was a lack of low cost pipe line transportation and full production had not been attained. As a result, the crude petroleum produced from the South Adams Field, Arenac County, Michigan, was sold at a lower price than is being and has been paid for crude petroleum of comparable quality produced in this same general area. It now appears that full production has been attained, adequate low cost pipe line transportation has been installed and the former differentials resulting in prices for this crude petroleum below the in-line ceiling price for comparable crude petroleum in the same general producing area should no longer be imposed.

From information available to this Office, it appears that the requested adjusted price will be in line with the ceiling price of comparable crude petroleum produced in this same area. This price is \$2.75 per barrel.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, it is ordered:

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the South Adams Field, Arenac County, Michigan, shall be: \$2.75 per barrel.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on March 14, 1952.

ELLIS ARNALL,

Director of Price Stabilization.

MARCH 13, 1952.

[F. R. Doc. 52-3108; Filed, Mar. 13, 1952; 4:55 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9964]

AZALEA BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Charles W. Holt, Clarence M. Dossett, Dave A. Matison, Jr., and Bernard Reed Green, d/b as Azalea Broadcasting Company, Mobile, Alabama, for construction permit; Docket No. 9964, File No. BP-7830.

It appearing, that the undersigned Hearing Examiner by order dated September 26, 1951, continued the consolidated hearing on the above-entitled application and that of WSMB, Inc. (WSMB), New Orleans, Louisiana, Docket No. 9665, until thirty days after

action by the Commission upon the joint petition of said applicants filed September 5, 1951, for reconsideration and grant of their respective applications without hearing; and

It appearing further, that on February 13, 1952, the Commission, by order, severed the application of Azalea Broadcasting Company, (Docket No. 9964) from the application of WSMB, Inc. (WSMB), (Docket No. 9965), retained the application of Azalea Broadcasting Company in hearing status, and amended the issues upon which that application is to be heard; that said order of February 13, 1952, was released by the Commission on February 27, 1952; that the time for scheduling the hearing should be thirty days from the date of the release of the Commission's Order of February 13, 1952;

Therefore, it is ordered, This 5th day of March 1952, that the hearing in the above-entitled matter is hereby scheduled for 10 o'clock a. m., Friday, March 28, 1952, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-3177; Filed, Mar. 18, 1952; 8:51 a. m.]

[Docket No. 10156]

CONANT BROADCASTING CO., INC., (WHIL)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

By the Commission: Commissioners Jones and Hennock dissenting and issuing a dissenting statement.¹

In re application of Conant Broadcasting Company, Inc. (WHIL), Medford, Massachusetts, for broadcast license; Docket No. 10156, File No. BL-4653.

1. The Commission has under consideration a petition filed February 25, 1952, by the Northern Corporation, licensee of Radio Station WMEX, Boston, Massachusetts, requesting the Commission to withdraw the program test authorization granted January 15, 1952, to Conant Broadcasting Company, Inc., for the operation of Station WHIL, Medford, Massachusetts, and to designate for hearing the above-entitled application for license for Station WHIL; and an opposition to said petition filed March 4, 1952, by Conant Broadcasting Company, Inc.

2. A brief discussion of the history of this matter is necessary to an understanding of the problems involved. Station WMEX holds a license to operate at Boston, Massachusetts, on the frequency 1510 kc. with power of 5 kw, unlimited time, using a directional antenna.² On September 10, 1948, Conant Broadcasting Company, Inc., filed an ap-

¹ Filed as part of original document.

² An application (BR-833) for regular renewal of this license was granted February 25, 1952. For some months prior thereto, WMEX was operating under temporary extension of license pending action on this renewal application.

plication (BP-6928), for a construction permit for a new station to operate on 1540 kc with power of 250 watts, daytime only, at Beverly, Massachusetts. This application was granted May 5, 1949, subject to later approval of the antenna site and construction. The application (BMP-5415) to specify a site was filed May 10, 1950. On December 19, 1950, it was amended to specify a studio and transmitter location in Medford, Massachusetts, in lieu of Beverly. The application as amended was granted February 7, 1951. On August 17, 1951, a second application for modification of construction permit (BMP-5669) was filed requesting a change in the transmitter location of approximately 600 feet. This application was granted September 11, 1951. Public notice of the filing of all of the foregoing applications and amendments was given, as well as public notice of Commission actions thereon. No protests against any of the applications were received nor were any petitions filed seeking reconsideration of any of the Commission actions.

3. Following the grant of the last application mentioned above, the proposed station was constructed and on January 9, 1952, the above-entitled application for license was filed, together with a request for authority to commence program tests. Preliminary examination of this application indicated that the station had been constructed in full compliance with the requirements of the construction permit and the Commission rules and standards; and accordingly, pursuant to § 3.168 of the Commission rules, telegraphic authority for the commencement of program tests was issued January 15, 1952. The operation of Station WHIL, pursuant to this authority, commenced the following day.

4. On February 1, 1952, WMEX for the first time indicated its objection to the operation of Station WHIL by filing a petition substantially identical with the petition which is now under consideration. This petition was based upon a claim that the 25 mv/m contour of WHIL overlaps the 25 mv/m contour of WMEX contrary to the Commission rules and standards. This allegation was supported merely by a reference to certain measurements which had been filed in 1940 in support of the proof of performance of the WMEX directional antenna. Following oral argument before the Commission en banc on February 12, 1952, the Commission by Memorandum Opinion and Order adopted February 15, 1952, denied this first WMEX petition for the reason that the measurements referred to were insufficient to constitute a prima facie showing that any overlap existed between the 25 mv/m contours of WMEX and WHIL.

5. By letter dated February 20, 1952, WMEX submitted affidavits containing a report and analysis of new measurements made on the operation of WHIL and WMEX. The instant petition is based upon these new measurements which it is asserted demonstrate conclusively that overlap of 25 mv/m contours exists.

6. We have examined the new measurements submitted by WMEX and are of the opinion that a prima facie case

has now been made that the 25 mv/m contours of WMEX and WHIL will overlap contrary to the Commission rules and standards governing the allocation of standard broadcast stations. A substantial question therefore arises whether the issuance of a license to WHIL authorizing operation on the frequency 1540 kc on a regular basis would serve public interest, convenience, and necessity. We therefore believe that in accordance with section 319 of the Communications Act of 1934 as amended, the above-entitled application for license should be designated for hearing. We also believe that WMEX has sufficient interest in this matter to warrant their participation in that hearing. It does not necessarily follow, however, that the program test authority issued Station WHIL must be summarily cancelled. Section 3.168 (b) of the Commission rules provides that program tests may be cancelled or revoked when in the Commission's judgment such action may be required in the public interest. For the reasons indicated below, however, we do not believe that the program test authority now issued to Station WHIL should be cancelled at this time.

7. In filing its application for construction permit WHIL relied upon the map of soil conductivities contained in the Commission standards. If the location of the WHIL and WMEX 25 mv/m contours is estimated on the basis of the conductivity indicated by this soil map no overlap occurs. In granting the WHIL construction permit application the Commission also relied upon its standards. This reliance was in accord with established practice and the Commission rules. WMEX had notice of the WHIL application as well as of the grant of that application. It also had notice of the measurements which it, itself, had filed in 1940 and which in its judgment indicated that the soil conductivity for the area in the vicinity of Boston is higher than that indicated by the soil map. Under the Commission rules WMEX could have raised the issue of overlap either before the grant of the construction permit or within twenty days thereafter. If it had so raised the issue the matter would have been set for hearing and the hearing would have been held in advance of any authorization to WHIL.²

8. At the present time, however, an entirely different situation is presented. A construction permit has been issued, a station has been built, and program tests have been authorized. All this has occurred in normal course in full accordance with the Commission rules and without any objection from WMEX. It is following this sequence of events that WMEX not only raises an issue which it could have raised earlier but, moreover, demands that the Commission forthwith and summarily order WHIL from the air. We believe the more orderly and equitable procedure here to be designation of the pending license application of WHIL

for hearing, raising the question of the 25 mv/m overlap and its significance in a manner which will permit both parties to present evidence and by cross-examination test the data presented, rather than undoing what has been properly and legally done thus far in accordance with established procedure by the precipitate removal of WHIL from the air at this point.

9. As we have said above, under our rules we have discretion to cancel the program test authority of WHIL, and we would not hesitate to do so if we believed that the public interest so required. In the instant case, however, we perceive no need for precipitous action. WMEX has alleged that it is receiving interference from WHIL. It has not presented to the Commission, however, any substantial evidence supporting this allegation. The fact of interference may not be inferred from the overlap of 25 mv/m contours. Interference such as that usually encountered between co-channel and immediately adjacent channel stations is not to be expected between stations separated by 30 kc regardless of the relative intensity of the desired and undesired signals. The standards recognize, however, that, by reason of intermodulation and other effects, interference problems may arise when two or more stations with the same general service area are operated on channels 30 kc apart and that the extent of this interference is undeterminable on the basis of any existing Commission standards. For this reason, the Commission as a matter of allocation policy has established minimum separations for adjacent channel stations which it has adhered to in all cases. In this instant case, notwithstanding the fact that this allocation policy may have been departed from, there has been no showing whatever that a significant amount of interference such as that last mentioned has in fact resulted. For the foregoing reasons we are unable to conclude at this time that serious harm will result from the continuation of program tests by WHIL pending resolution of the basic question whether WHIL is to receive a regular license for operation on 1540 kc—a question which we are now making the subject of a formal hearing.

10. WMEX has argued that the program tests must be cancelled because they are illegal. It is stated that under section 301 of the act no station may operate without a license and it is urged that program test authority cannot be a license, because § 3.168 (e) of the Commission rules provides "The granting of program test authority shall not be construed as approval by the Commission of the application for station license." This argument is little more than a play upon words. The Commission issues many types of authorizations of varying degrees of formality and permanence. All such authorizations must of necessity be "licenses" within the meaning of section 301, but not necessarily "licenses" within the meaning of the Commission rules wherein the term "license" has been limited to a particular form of authorization. The need for and the Commission's authority to use more than one form of authorization in the admin-

istration of the complex field of radio has been recognized by the Courts.³

11. The Commission has previously found that Conant Broadcasting Company, Inc. is legally, technically, financially and otherwise qualified to construct and operate WHIL as proposed. This finding has not been challenged, and accordingly, these matters need not be placed in issue in the hearing on the above-entitled application.

12. In its opposition to the instant petition WHIL has included an alternative prayer which in effect constitutes an independent petition for reconsideration of the Commission's action as February 25, 1952, granting the application (BR-833) for regular renewal of license of WMEX. We are withholding action on this petition for further study.

Accordingly, it is ordered, This 10th day of March 1952, that the said petition of The Northern Corporation is granted in so far as it requests designation of the above-entitled application for hearing and is denied in so far as it requests cancellation of the WHIL program test authority;

It is further ordered, That the above-entitled application for license to cover construction permit is designated for hearing commencing at 10:00 a. m. on the 7th day of April 1952, at Washington, D. C., upon the following issues.

1. To determine whether the installation and operation of the proposed station would be in compliance with the Commission rules and standards of Good Engineering Practice concerning Standard Broadcast Stations with particular reference to the possibility of overlap of 25 mv/m contours between the proposed station and Station WMEX, Boston, Massachusetts.

It is further ordered, That The Northern Corporation, licensee of WMEX, Boston, Massachusetts, is made a party to this proceeding.

Released: March 11, 1952.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-3178; Filed, Mar. 18, 1952;
8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1487]

CITY OF HASTINGS, NEBR., vs. KANSAS-NEBRASKA NATURAL GAS CO., INC.

ORDER PROVIDING FOR HEARING, DIRECTING THAT A PREHEARING CONFERENCE BE HELD, FIXING DATES THEREOF, AND DEFERRING DECISION ON MOTION TO DISMISS AND OTHER MOTION UNTIL AFTER COMPLETION OF HEARING

MARCH 12, 1952.

On September 20, 1950, the City of Hastings, Nebraska (Hastings) filed with the Commission a complaint against Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) alleging, among other things, that a restriction contained in the applicability clause of Kansas-Nebraska's Rate Schedule G-1 contained

³ See American Broadcasting Company v. FCC 191 F. 2d 492.

² If the issue had been raised by petition for reconsideration of the grant of the WHIL application, the grant would have been set aside as provided in § 1.390 (a) of the Commission rules.

in its tariff on file with the Commission, is improper and unlawful in that such restriction provides that said rate schedule shall not apply to the volume of gas which may be used by the buyer in its electric generating station.

On October 30, 1950, Kansas-Nebraska filed a motion to dismiss said complaint upon the ground that the Commission is without jurisdiction to grant the relief sought. On November 10, 1950, Hastings filed an affidavit in opposition to Kansas-Nebraska's motion to dismiss complaint.¹

Hastings having requested oral argument on the matters raised in its complaint, and Kansas-Nebraska having requested oral argument on its motion to dismiss the complaint, the Commission, by order issued December 28, 1951, fixed the date of oral argument before the Commission for February 28, 1952. Said argument was duly held as ordered.

The Commission, upon consideration of the complaint, the motion to dismiss the complaint, and other pleadings filed in this proceeding, and oral argument of counsel, finds:

(1) The pleadings filed in this proceeding do not alone afford an adequate basis upon which to determine properly the issues presented.

(2) It is necessary and appropriate to carry out the provisions of the Natural Gas Act, and it is in the public interest that a public hearing be held as hereinafter ordered with respect to the matters involved and the issues presented in this proceeding.

(3) It is appropriate and in the public interest that a prehearing conference be held pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure (18 CFR 1.18), as hereinafter ordered, in order to aid in the orderly and expeditious conduct of this proceeding, including particularly the provision of an opportunity for:

(a) The simplification of the issues.
(b) The exchange and acceptance of service of exhibits proposed to be offered in evidence.

(c) The obtaining of admission as to, or stipulations of, facts not remaining in dispute, and the authenticity of documents.

(d) The obtaining of admission as to, or stipulations of, matters to be incorporated by reference from other Commission dockets.

(e) Such other matters as may be appropriate.

(4) It is appropriate and in the public interest to defer decision on the motion

to dismiss complaint filed by Kansas-Nebraska and on the motion to strike filed by Hastings until after the completion of the hearing hereinafter ordered.

The Commission orders:

(A) A public hearing be held commencing on May 28, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW, Washington, D. C., concerning the matters involved and the issues in this proceeding.

(B) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference be held for the purpose set forth in finding (3) above, on May 26, 1952, at 10:00 a. m., e. d. s. t., in the office of the Secretary of the Federal Power Commission, 1800 Pennsylvania Avenue NW, Washington, D. C. Such prehearing conference shall be presided over by the Presiding Examiner designated to preside at the hearing in this proceeding.

(C) Decision on the motion to dismiss complaint made by Kansas-Nebraska Natural Gas Company, Inc., on October 30, 1950, and on the motion to strike made by the City of Hastings, Nebraska, on February 25, 1952, be and the same hereby are deferred until after completion of the hearing herein ordered.

(D) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: March 13, 1952.

By the Commission. Commissioner Draper dissenting.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3133; Filed, Mar. 18, 1952;
8:46 a. m.]

[Docket No. G-1905]

CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 13, 1952.

Take notice that Central Kentucky Natural Gas Company (Applicant), a Kentucky corporation, address, Charleston, West Virginia, filed on March 3, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 8.8 miles of 20-inch natural-gas transmission pipeline paralleling Applicant's existing 14-inch line "E" extending northwestward from North Means, Kentucky.

Applicant proposes, by means of the proposed facilities, to complete the looping of its said Line "E" in order to provide the protection of a double line and minimize an existing hazard of single-line operation. Applicant states that the installation of the proposed facilities will necessarily increase the capacity of its facilities for making deliveries of natural gas in the Cincinnati, Ohio area by approximately 85,000 Mcf per day. Applicant further states that it does not contemplate service to any new markets

but that the increased capacity will be utilized as a safety measure and in due course to furnish such additional gas to its customers as normal growth of demand requires. Applicant does not intend to use the increased capacity in the winter of 1952-53 to supply additional volumes, above those now contemplated, to its existing customers.

The estimated cost of the proposed facilities is \$676,000. Applicant proposes to finance such cost with funds to be provided by The Columbia Gas System, Inc., its parent company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3132; Filed, Mar. 18, 1952;
8:46 a. m.]

[Docket No. G-1906]

ATLANTIC SEABOARD CORP., AND VIRGINIA
GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

MARCH 13, 1952.

Take notice that Atlantic Seaboard Corporation (Atlantic Seaboard), a Delaware corporation, and Virginia Gas Transmission Corporation (Virginia Gas), a Virginia corporation, sometimes referred to herein as "Applicants", both of which have their principal place of business at Charleston, West Virginia, jointly filed on March 3, 1952 an application pursuant to section 7 of the Natural Gas Act, seeking authorizations, as hereinafter described, for Atlantic Seaboard to acquire and operate all the facilities of Virginia Gas, and to assume all natural-gas transmission services rendered thereby, and for Virginia Gas to discontinue all natural-gas transmission services and to abandon its facilities.

Atlantic Seaboard is a wholly owned subsidiary of The Columbia Gas System, Inc., and Virginia Gas is a wholly owned subsidiary of Atlantic Seaboard. Each Applicant owns and operates sections of a continuous 421 mile 20-inch natural-gas transmission pipeline between Boldman, Kentucky, and the Maryland-Pennsylvania State Line, and a continuous 262 mile pipeline between Clendenin, West Virginia, and Rockville, Maryland. The portion of said lines which lies in the States of Kentucky, West Virginia and Maryland is owned and operated by Atlantic Seaboard, and the portion which lies in Virginia is owned and operated by Virginia Gas and used for the service of natural gas at wholesale to the City of Charlottesville, Virginia, and to Lynchburg Gas Company, Roanoke Pipe Line Company, Commonwealth Natural Gas Corporation, and Virginia Gas Distribution Corporation.

Applicants propose the transfer of facilities and services from Virginia Gas

¹ In addition, on February 18, 1952, Kansas-Nebraska filed with the Commission additional exhibits, designated as Exhibits I to O inclusive, alleged to be in support of the motion to dismiss. Copies of said exhibits were served upon Hastings. On February 25, 1952, Hastings filed a motion to strike said additional exhibits on the ground, among others, that if the Commission considers said exhibits in support of the motion to dismiss, Hastings will be deprived of its right of cross-examination and its right to explain or contradict the import of such exhibits. In the same motion, Hastings requests the Commission to overrule the motion to dismiss and set the complaint for hearing. On February 28, 1952, Kansas-Nebraska filed a statement in opposition to Hastings' motion to strike.

to Atlantic Seaboard as part of a general corporate reorganization program involving certain affiliated companies of The Columbia Gas System, Inc., and in order to bring about unitization of corporate structures and a simplification of existing transmission operations. Applicants state that the proposed acquisition will result in savings from elimination of accounting costs and of the necessity for operation and maintenance of facilities presently used for deliveries of gas from Atlantic Seaboard to Virginia Gas.

Atlantic Seaboard proposes to continue without interruption all services presently being rendered by Virginia Gas. After the proposed acquisition has been consummated, Applicants propose to cause dissolution of Virginia Gas, all of whose assets and liabilities will be acquired by Atlantic Seaboard.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 2d day of April 1952. The joint application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3170; Filed, Mar. 18, 1952;
8:49 a. m.]

[Docket No. G-1908]

PACIFIC NORTHWEST PIPELINE CORP.
NOTICE OF APPLICATION

MARCH 13, 1952.

Take notice that Pacific Northwest Pipeline Corporation (Applicant), a Delaware corporation, address 774 M & M Building, Houston, Texas, filed on March 5, 1952, an application for a permit pursuant to section 3 of the Natural Gas Act, authorizing the importation of natural gas from the Dominion of Canada into the United States and authorizing the exportation of natural gas from the United States into the Dominion of Canada.

Applicant proposes to import 250 million cubic feet per day natural gas produced in the Province of Alberta, Canada, into the States of Washington and Oregon where such gas is proposed to be sold to purchasers for resale and their use; and to export 25 million cubic feet of such gas into the Province of British Columbia, Canada. The natural gas to be imported will be purchased from Prairie Transmission Lines, Ltd., applicant's wholly owned subsidiary, at the international boundary between United States and Canada adjacent to Stevens County, Washington, and the gas to be exported will be sold to Prairie Transmission Lines, Ltd., at said international boundary adjacent to Whatcom County, Washington.

Applicant also proposes to export 225 million cubic feet per day of natural gas into the Provinces of Ontario and Quebec, Canada. The natural gas to be exported will be purchased from Panhandle Eastern Pipe Line Company near the international boundary adjacent to

River Rouge, Michigan, and sold to Canadian Natural Gas Pipe Lines, Ltd., at said point on the international boundary.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3171; Filed, Mar. 18, 1952;
8:49 a. m.]

[Docket No. G-1909]

PACIFIC NORTHWEST PIPELINE CORP.
NOTICE OF APPLICATION

MARCH 13, 1952.

Take notice that Pacific Northwest Pipeline Corporation (Applicant), a Delaware corporation, address 774 M & M Building, Houston, Texas, filed on March 5, 1952, an application for a Presidential Permit pursuant to Executive Order No. 8202, dated July 13, 1939, authorizing the construction, maintenance, operation, and connection at the international boundary of facilities for the importation of natural gas from the Dominion of Canada and the exportation of natural gas to the Dominion of Canada.

Applicant proposes to construct for the importation of natural gas a 26-inch O. D. transmission line, crossing the international boundary between Canada and the United States at a point adjacent to the northern line of Stevens County, Washington, with valves and meter stations. At that point Applicant will purchase 250 million cubic feet per day of natural gas from Prairie Transmission Lines, Ltd., a wholly owned subsidiary, for service in the States of Washington and Oregon and for export to Vancouver, British Columbia.

Applicant proposes to construct for the exportation of natural gas a 10-inch O. D. transmission line crossing the international boundary between Canada and the United States at a point adjacent to the northern line of Whatcom County, Washington, with valves and meter stations. At that point Applicant will sell 25 million cubic feet per day of natural gas to Prairie Transmission Lines, Ltd., for service to Vancouver, British Columbia.

Applicant also proposes to construct for exportation of natural gas two 18-inch submerged river crossing lines under the Detroit River and crossing the international boundary at a point adjacent to the City of River Rouge, Michigan, with valves and meter stations. At that point Applicant will sell 225 million cubic feet per day of natural gas to Canadian Natural Gas Pipe Lines, Ltd., for service to the Toronto, Ottawa, and Montreal areas of Ontario and Quebec, Canada.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of April 1952. The application is

on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3172; Filed, Mar. 18, 1952;
8:50 a. m.]

OFFICE OF DEFENSE
MOBILIZATION

SHOE AND FOOTWEAR INDUSTRY

NOTICE OF HEARING BEFORE THE SURPLUS
MANPOWER COMMITTEE

Pursuant to section 8 of Defense Manpower Policy No. 4 (17 F. R. 1195), relating to placement of procurement in areas of current or imminent labor surplus, notice is hereby given of a public hearing to be held before a panel of the Surplus Manpower Committee in Room 159, Executive Office Building, Washington, D. C., beginning at 9:30 a. m., e. s. t., April 17, 1952.

The purpose of the hearing is to receive evidence with respect to:

1. The nature and extent of the labor surplus in the shoe and footwear industry, including the availability of skills necessary to the fulfillment of Government contracts and purchases, and the need for preserving these skills in the public interest.

2. The nature and extent of the facilities in the shoe and footwear industry, including their suitability and availability for the fulfillment of Government contracts and purchases, and the need for maintaining these facilities in the public interest.

3. Whether it is in the public interest that insofar as it affects the shoe and footwear industry, Defense Manpower Policy No. 4 should be applied to the shoe and footwear industry as a whole in order to achieve a greater utilization of the manpower skills and facilities of the entire industry than is currently the case.

4. Appropriate methods of applying the policy to the shoe and footwear industry in the event an affirmative finding is made under paragraph three above.

Interested persons may submit statements in writing and may appear and present evidence and oral argument at the hearing, and at the close of the hearing may file briefs with the panel. Upon completion of the hearing the panel will make findings and conclusions and submit its recommendations to the Surplus Manpower Committee.

Persons wishing to be heard or to submit statements or briefs, must notify the Secretary of the Surplus Manpower Committee, Room 106, Executive Office Building, Washington 25, D. C., not later than April 14, 1952. Copies of Defense Manpower Policy No. 4 may be obtained from the Secretary of the Surplus Manpower Committee.

OFFICE OF DEFENSE
MOBILIZATION,
SURPLUS MANPOWER
COMMITTEE,
ARTHUR S. FLEMING,
Chairman.

[F. R. Doc. 52-3256; Filed, Mar. 18, 1952;
10:49 a. m.]

SECURITIES AND EXCHANGE
COMMISSION

[File No. 70-2795]

CENTRAL POWER AND LIGHT CO.

SUPPLEMENTAL ORDER CONCERNING THE
ISSUANCE AND SALE OF FIRST MORTGAGE
BONDS AT COMPETITIVE BIDDING

MARCH 13, 1952.

Central Power and Light Company ("Central"), a subsidiary of Central and South West Corporation, a registered holding company, having filed a declaration, and amendments thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the issuance and sale by Central, pursuant to the competitive bidding requirements of Rule U-50, of \$10,000,000 principal amount of First Mortgage Bonds, Series D, due March 1, 1982; and

The Commission having, by order dated March 4, 1952, permitted said declaration to become effective subject to the condition, among others, that the proposed sale of bonds shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding, and a further order shall have been entered in the light of the record so completed; and

Central having on March 13, 1952, filed a further amendment to said declaration in which it is stated that it has offered the bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidding group headed by—	Annual interest rate (percent)	Price to company (percent of principal) ¹	Annual cost to Central (percent)
Halsey, Stuart & Co., Inc.	3½	101.80	3.4033
Blyth & Co., Inc., Harri-			
man, Ripley & Co., Inc.,			
and Stone & Webster			
Securities Corp.	3½	101.609	3.4139
Union Securities Corp.	3½	101.32999	3.4181
Kuhn, Loeb & Co.	3½	101.527	3.4182
Lehman Bros. and Glor,			
Forgan & Co.	3½	101.3599	3.4271
Kidder, Peabody & Co.	3½	101.3511	3.4276
Merrill Lynch, Pierce,			
Fenner & Beane and			
Solomon Bros. & Hutzler,	3½	101.319	3.4293
The First Boston Corp.	3½	101.22	3.4345

¹Exclusive of accrued interest from Mar. 1, 1952.

The amendment further stating that Central has accepted the bid of Halsey, Stuart & Co., Inc., for the bonds as set forth above and that the bonds will be offered for sale to the public at a price of 102.44 percent of principal amount thereof, resulting in an underwriters' spread of 0.64 percent of principal amount; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for the bonds, redemption prices of the bonds and the interest rate thereon, and the underwriters' spread with respect thereto:

It is hereby ordered, That jurisdiction heretofore reserved in connection with the sale of said bonds be and the same

No. 55—4

hereby is, released, and that the said declaration, as further amended, be and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule-24 of the general rules and regulations under the act.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.[F. R. Doc. 52-3135; Filed, Mar. 18, 1952;
8:46 a. m.]

[File No. 70-2810]

NIAGARA MOHAWK POWER CORP.

MEMORANDUM OPINION AND ORDER PERMITTING
DECLARATION TO BECOME EFFECTIVE
WITH RESPECT TO PROPOSED ISSUANCE AND
SALE OF NOTES

MARCH 13, 1952.

Niagara Mohawk Power Corporation ("Niagara Mohawk") has filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the proposed issuance and sale to twenty-one banks of an aggregate of \$40,000,000 principal amount of unsecured notes, to bear interest at the rate of three percent per annum, to mature March 1, 1953, and to be dated as of the date of issuance.

Under the terms of the loan agreement pursuant to which the notes are to be issued Niagara Mohawk is to borrow at least \$6,000,000 by April 1, 1952, at least an aggregate of \$14,000,000 by July 1, 1952, at least an aggregate of \$24,000,000 by October 1, 1952, and the entire \$40,000,000 before December 31, 1952. The participating banks are to be paid a commitment fee at the rate of ½ of 1 percent per annum for the period from February 15, 1952, on the average daily difference between the amount of the bank's commitment and the amount borrowed from the bank under the loan agreement. Niagara Mohawk will use the proceeds from the sale of such notes for construction of additional utility plant.

Prior to the organization of Niagara Mohawk in January 1950 through the consolidation of the three principal subsidiaries of Niagara Hudson Power Corporation ("Niagara Hudson"), Niagara Hudson and all of its subsidiaries were subsidiaries of The United Corporation ("United"), a registered holding company, by virtue of the latter's ownership of in excess of 10 percent of Niagara Hudson's outstanding voting securities. As a result of the liquidation of Niagara Hudson and the consolidation of its subsidiaries, United received over 10 percent of the voting stock of Niagara Mohawk. In our findings, opinion and order of August 14, 1943, directing, among other things, that United cease to be a holding company, we discussed somewhat in detail the historical and existing relationships between United and its subsidiaries, including Niagara Hudson, which concluded in part:

... It is clear from our discussion of United's 11 (e) plan that no mere reduction

in holdings below 10 percent or to any specific percentage will be sufficient. Before we can make a finding that United has complied with the order and ceased to be a holding company it will be necessary for United to satisfy us that no control or controlling influence remains over its present statutory subsidiaries. (13 S. E. C., 854, 899)

In our findings and opinion issued in June 1951, in respect of a plan filed by United proposing, among other things, reduction of its holdings of voting securities of Niagara Mohawk, we stated in part:

... while the proposed reduction of United's holdings to below 4.9 percent would reduce its voting power in the subsidiaries, United would continue to be the largest single stockholder in each of them despite such reduction.

... when United renews its request for a section 5 (d) order, it will have the burden of showing that it has not been exercising control and would not do so after the entry of such an order. Absent such a showing a 5 (d) order would not issue to United. (Holding Company Act Release No. 10614.)¹

Niagara Mohawk is a public utility company; it is also a holding company exempt, as such, from the provisions of the act pursuant to the provisions of Rule U-2 promulgated thereunder. In December 1951, United's holdings of the voting securities of Niagara Mohawk were reduced from about 11 to 9.8 percent through the issuance and sale by Niagara Mohawk of 1,000,000 shares of additional common stock to the public. The question is presented therefore as to whether Niagara Mohawk is presently a subsidiary of United subject to the provisions of section 7 of the act with respect to the proposed issuance and sale of notes. We do not think it necessary or appropriate to pass upon that question at this time. In any event, to the extent that the provisions of section 7 are applicable to the proposed issuance and sale of the notes by Niagara Mohawk, we find that such provisions are satisfied and that no adverse findings are necessary, and deem it appropriate in the public interest and the interest of investors and consumers that the said declaration, as amended, be permitted to become effective forthwith.

Due notice was given of the filing of the declaration, and no hearing was requested of or ordered by the Commission.

It is therefore ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the declaration, as amended, be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.[F. R. Doc. 52-3136; Filed, Mar. 18, 1952;
8:47 a. m.]

¹Our order dated June 26, 1951 in this matter is under review in *Downing, et al., v. S. E. C., et al.*, United States Court of Appeals for the District of Columbia, No. 11158.

[File No. 812-766]

INSTITUTIONAL SHARES, LTD. AND
HARE'S, LTD.

NOTICE OF APPLICATION

MARCH 13, 1952.

Notice is hereby given that Institutional Shares, Ltd. (hereinafter referred to as "Institutional"), a registered, open-end, investment company, and Hare's, Ltd., the principal underwriter for the shares of Institutional, have filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 22 (d) of the act, the offering of Institutional's shares at reduced public offering prices based on quantity purchases under the circumstances hereinafter described.

The offering price of Institutional's shares is equal to the net asset value per share plus a percentage selling commission. Quantity discounts, as a result of a decreasing scale of selling commissions in relation to the aggregate purchase price, are presently available with respect to individual purchases of \$50,000 or more. It is proposed to increase the discount by further decreases in selling commissions with respect to purchases in excess of \$15,000.

The application seeks to permit a charitable, religious, educational, and other corporation, fund or foundation exempt from taxation under section 101 (6) of the Internal Revenue Code and an employee's trust exempt from taxation under section 165 of the Internal Revenue Code, to cumulate its purchases to obtain the benefit of the reduced sales charge provided the purchaser has continued to hold the shares previously acquired.

Since the proposal, in the manner set forth, may result in varying prices to members of the public of Institutional's shares and thus contravene the policy, purposes and provisions of section 22 (d) of the act, applicants seek an order of exemption under section 6 (c) of the act to the extent necessary to permit the offering to such charitable, religious, educational and other nonprofit organizations on the basis proposed.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission on or at any time after March 28, 1952, unless prior thereto a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than March 26, 1952, at 5:30 p. m., e. s. t., his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request

should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.[F. R. Doc. 52-3134; Filed, Mar. 18, 1952;
8:46 a. m.]UNITED STATES TARIFF
COMMISSION

[Investigation No. 11]

SPECIFIED HOUSEHOLD CHINA TABLEWARE,
KITCHENWARE, AND TABLE AND KITCHEN
UTENSILS

NOTICE OF PUBLIC HEARING

A public hearing has been ordered by the United States Tariff Commission in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D. C., beginning at 10 a. m. on June 23, 1952, in the investigation with respect to Specified Household China Tableware, Kitchenware, and Table and Kitchen Utensils instituted on February 15, 1952, under section 7 of the Trade Agreements Extension Act of 1951 (17 F. R. 1639).

Request to appear. Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., in advance of the date of the hearing.

I certify that the above public hearing was ordered by the Tariff Commission on the 13th day of March 1952.

[SEAL]

DONN N. BENT,
Secretary.[F. R. Doc. 52-3176; Filed, Mar. 18, 1952;
8:50 a. m.]INTERSTATE COMMERCE
COMMISSION

[4th Sec. Application 26887]

VARIOUS COMMODITIES FROM POINTS IN
TRUNK-LINE AND NEW ENGLAND TER-
RITORIES TO POINTS IN SOUTHERN TER-
RITORY

APPLICATION FOR RELIEF

MARCH 14, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to tariffs shown in exhibit A of the application, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities, carloads.

From: Specified points in trunk-line and New England territories.

To: Specified points in southern territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.[F. R. Doc. 52-3149; Filed, Mar. 18, 1952;
8:47 a. m.]

[4th Sec. Application 26888]

PAPER AND PAPER BOXES FROM HUDSON AND
PALATKA, FLA., TO ST. LOUIS, MO. AND
EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

MARCH 14, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: St. Louis-San Francisco Railway Company for itself and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1218.

Commodities involved: Paper articles and paper boxes, carloads.

From: Hudson and Palatka, Fla.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing,

upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 52-3150; Filed, Mar. 18, 1952;
8:47 a. m.]

[No. 31003]

MISSOURI INTRASTATE FREIGHT RATES
AND CHARGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 11th day of March A. D. 1952.

It appearing, that in the proceedings listed in Appendix A hereto the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorizations have been made;

It further appearing, that a petition, dated February 15, 1952, has been filed on behalf of certain common carriers by railroad operating to, from and between points in the State of Missouri, averring that the Public Service Commission of the State of Missouri, by various orders in its Cases Nos. 10821, 11192, and 11533, has refused to authorize or permit, in whole or in part, petitioners to apply to their rates on the commodities, classes, services, and minimum charges, described in Appendix A hereto, increases corresponding to those increases approved for interstate application in the proceedings listed; and alleging that such refusal causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against interstate commerce in violation of section 13 (4) of the Interstate Commerce Act;

And it further appearing, that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Missouri:

It is ordered, That, in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Missouri, for intrastate transportation of property, made or imposed by authority of the State of Missouri, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in the proceedings listed in Appendix A hereto, any undue or unreasonable advantage, preference or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign com-

merce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Missouri which are subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Missouri be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Public Service Commission of the State of Missouri at Jefferson City, Mo.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,
Secretary.

APPENDIX A

Ex Parte No. 162, Increased Railway Rates, Fares, and Charges, 1946, and

Ex Parte No. 148, Increased Railway Rates, Fares, and Charges, 1942, 264 I. C. C. 695, and 266 I. C. C. 537

Specific exceptions made by the Public Service Commission of the State of Missouri on:

Road aggregates; sand, gravel, stone, chert; Limestone;

Cinders;

Commodities moving under rates in Item 90, Western Trunk Lines' Tariff No. 237-G, Public Service Commission of Missouri No. 833, I. C. C. No. A-3697;

Motor-compelled class rates in eastern territory.

Ex Parte No. 166, Increased Freight Rates, 1947, 269 I. C. C. 33, 270 I. C. C. 81, 93, and 403

Exceptions made by the Public Service Commission of the State of Missouri on the territorial percentage increases on:

Commodities not moving on standard class rates;

Less-than-carload motor-compelled class rates;

Switching;

Other accessorial services;

Minimum rate on less-than-carload shipments.

Specific exceptions made by the Public Service Commission of the State of Missouri on:

Road aggregates; sand, gravel, stone, chert; Limestone;

Cinders;

Minimum charge per shipment, less-than-carload or any quantity.

Ex Parte No. 168, Increased Freight Rates, 1948, 272 I. C. C. 695, and 276 I. C. C. 9

Exceptions made by the Public Service Commission of the State of Missouri on the territorial percentage increases on:

Commodities not moving on standard class rates;

Less-than-carload motor-compelled class rates;

Switching;

Other accessorial services;

Minimum rates on less-than-carload shipments;

Minimum charge per shipment, less-than-carload or any quantity.

[F. R. Doc. 52-3151; Filed, Mar. 18, 1952;
8:47 a. m.]

[Rev. S. O. 874, Amdt. 2 to General Permit 1]

EASTERN STATES FARMERS' EXCHANGE

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered*, That:

General Permit No. 1 is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD F. KLINE,
Permit Agent.

[F. R. Doc. 52-3152; Filed, Mar. 18, 1952;
8:47 a. m.]

[Rev. S. O. 874, Amdt. 2 to 2d Rev. General Permit 2]

LIQUID STARCH, LIQUID DEXTRENE, CORN SYRUP, AND/OR GLUCOSE

LOADING REQUIREMENTS

Pursuant to the authority vested in me in Paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered*, That:

Second Revised General Permit No. 2 is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3153; Filed, Mar. 18, 1952;
8:48 a. m.]

[Rev. S. O. 874, Amdt. 2 to Rev. General Permit 3]

CONDENSED BUTTERMILK FEEDS

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered*, That:

Revised General Permit No. 3 is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3154; Filed, Mar. 18, 1952;
8:48 a. m.]

[Rev. S. O. 874, Amdt. 2 to General Permit 4]

GRAIN, GRAIN PRODUCTS AND BYPRODUCTS

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered*, That:

General Permit No. 4 is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3155; Filed, Mar. 18, 1952;
8:48 a. m.]

[Rev. S. O. 874, Amdt. 2 to General Permit 5]

WABASH RAILROAD CO. AND CENTRAL SOYA CO., INC.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered*, That:

General Permit No. 5 is hereby amended by substituting the following paragraphs for the second and third paragraphs thereof:

The waybills shall show reference to this General Permit and any consignor forwarding cars under this General Permit shall furnish the Permit Agent with the car numbers, initials, weights, and destinations of the cars shipped under this General Permit, as well as the car numbers, initials, and weights of all cars loaded with this commodity; such information to be furnished on the first day of each month.

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3156; Filed, Mar. 18, 1952;
8:48 a. m.]

[Rev. S. O. 874, Amdt. 2 to General Permit 6]

COOPERATIVE G. L. F. EXCHANGE, INC., MILLS DIVISION

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered*, That:

General Permit No. 6 is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March, 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3157; Filed, Mar. 18, 1952;
8:48 a. m.]

[Rev. S. O. 874, Amdt. 2 to Corr. Rev. General Permit 7]

RICE BRAN, RICE POLISH, AND RICE HULLS

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered*, That:

Corrected Revised General Permit No. 7 is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of

the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3158; Filed, Mar. 18, 1952;
8:48 a. m.]

[Rev. S. O. 874, Amdt. 2 to Rev. General Permit 8]

LIVESTOCK FEED WITH HIGH MOLASSES CONTENT

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered, That:*

Revised General Permit No. 8 is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3159; Filed, Mar. 18, 1952;
8:48 a. m.]

[Rev. S. O. 874, Amdt. 2 to 2d Rev. General Permit 9]

DISTILLERS DRIED FEED, DISTILLERS SOLUBLES, BREWERS DRIED GRAINS, AND/OR DRIED SPENT GRAIN MASH

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered, That:*

Second Revised General Permit No. 9 is hereby amended by substituting the following paragraphs for the second and third paragraphs thereof:

The waybills shall show reference to this General Permit and any consignor forwarding cars under this General Permit shall furnish the Permit Agent with the car numbers, initials, weights, and destinations of the cars shipped under this General Permit, as well as the car numbers, initials, and weights of all cars loaded with these commodities; such information to be furnished on the first day of each month.

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3160; Filed, Mar. 18, 1952;
8:48 a. m.]

[Rev. S. O. 874, Amdt. 2 to General Permit 11]

RALSTON PURINA CO.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered, That:*

General Permit No. 11 is hereby amended by substituting the following paragraphs for the second and third paragraphs thereof:

The waybills shall show reference to this General Permit and any consignor forwarding cars under this General Permit shall furnish the Permit Agent with the car numbers, initials, weights, and destinations of the cars shipped under this General Permit, as well as the car numbers, initials, and weights of all cars loaded with these commodities; such information to be furnished on the first day of each month.

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at

Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3161; Filed, Mar. 18, 1952;
8:48 a. m.]

[Rev. S. O. 874, Amdt. 2 to General Permit 12]

BLATCHFORD CALF MEAL CO.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered, That:*

General Permit No. 12 is hereby amended by substituting the following paragraphs for the second and third paragraphs thereof:

The waybills shall show reference to this General Permit and any consignor forwarding cars under this General Permit shall furnish the Permit Agent with the car numbers, initials, weights, and destinations of the cars shipped under this General Permit, as well as the car numbers, initials, and weights of all cars loaded with this commodity; such information to be furnished on the first day of each month.

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3162; Filed, Mar. 18, 1952;
8:48 a. m.]

[Rev. S. O. 874, Amdt. 2 to 2d Rev. General Permit 15]

CORN GLUTEN FEED, AND/OR CORN GLUTEN MEAL

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered, That:*

Second Revised General Permit No. 15 is hereby amended by substituting the following paragraphs for the second and third paragraphs thereof:

The waybills shall show reference to this General Permit and any consignor forwarding cars under this General Permit shall furnish the Permit Agent with the car numbers, initials, weights, and destinations of the cars shipped under this General Permit, as well as the car numbers, initials, and weights of all cars loaded with these commodities; such information to be furnished on the first day of each month.

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3163; Filed, Mar. 18, 1952;
8:49 a. m.]

[Rev. S. O. 874, Amdt. 2 to General Permit 16]

H. K. WEBSTER CO.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered*, That:

General Permit No. 16 is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3164; Filed, Mar. 18, 1952;
8:49 a. m.]

[Rev. S. O. 874, Amdt. 2 to General Permit 17]

FISH MEAL, FISH ROE MEAL, AND/OR FISH
SCRAP MEAL

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered*, That:

General Permit No. 17 is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March, 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3165; Filed, Mar. 18, 1952;
8:49 a. m.]

[Rev. S. O. 874, Amdt. 2 to Corr. General
Permit 18]

EVANS MILLING CO. AND DECATUR MILLING
CO.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered*, That:

Corrected General Permit No. 18 is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3166; Filed, Mar. 18, 1952;
8:49 a. m.]

[Rev. S. O. 874, Amdt. 1 to General Permit 19]

LIQUID STARCH

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), good cause appearing therefor: *It is ordered*, That:

General Permit No. 19 is hereby amended by substituting the following paragraphs for the second and third paragraphs thereof:

The waybills shall show reference to this General Permit and any consignor forwarding cars under this General Permit shall furnish the Permit Agent with the car numbers, initials, weights, and destinations of the cars shipped under this General Permit, as well as the car numbers, initials, and weights of all cars loaded with these commodities; such information to be furnished on the first day of each month.

This General Permit shall expire at 11:59 p. m., September 15, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 15, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3167; Filed, Mar. 18, 1952;
8:49 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 65]
NASHVILLE, CHATTANOOGA, AND ST. LOUIS
RAILWAY

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, the Nashville, Chattanooga, and St. Louis Railway because of high water, is unable to transport traffic routed over its lines between Hobbs Island and Gunterville. *It is ordered*, That:

(a) Rerouting NC & StL traffic: The Nashville, Chattanooga, and St. Louis Railway is hereby authorized to reroute or divert traffic moving on its lines, routed via its car ferry, over any avail-

able route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed

to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic, divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 p. m., March 12, 1952.

(g) Expiration date: This order shall expire at 11:59 p. m., March 31, 1952, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement.

Issued at Washington, D. C., March 12, 1952.

INTERSTATE COMMERCE
COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 52-3168; Filed, Mar. 18, 1952;
8:49 a. m.]

